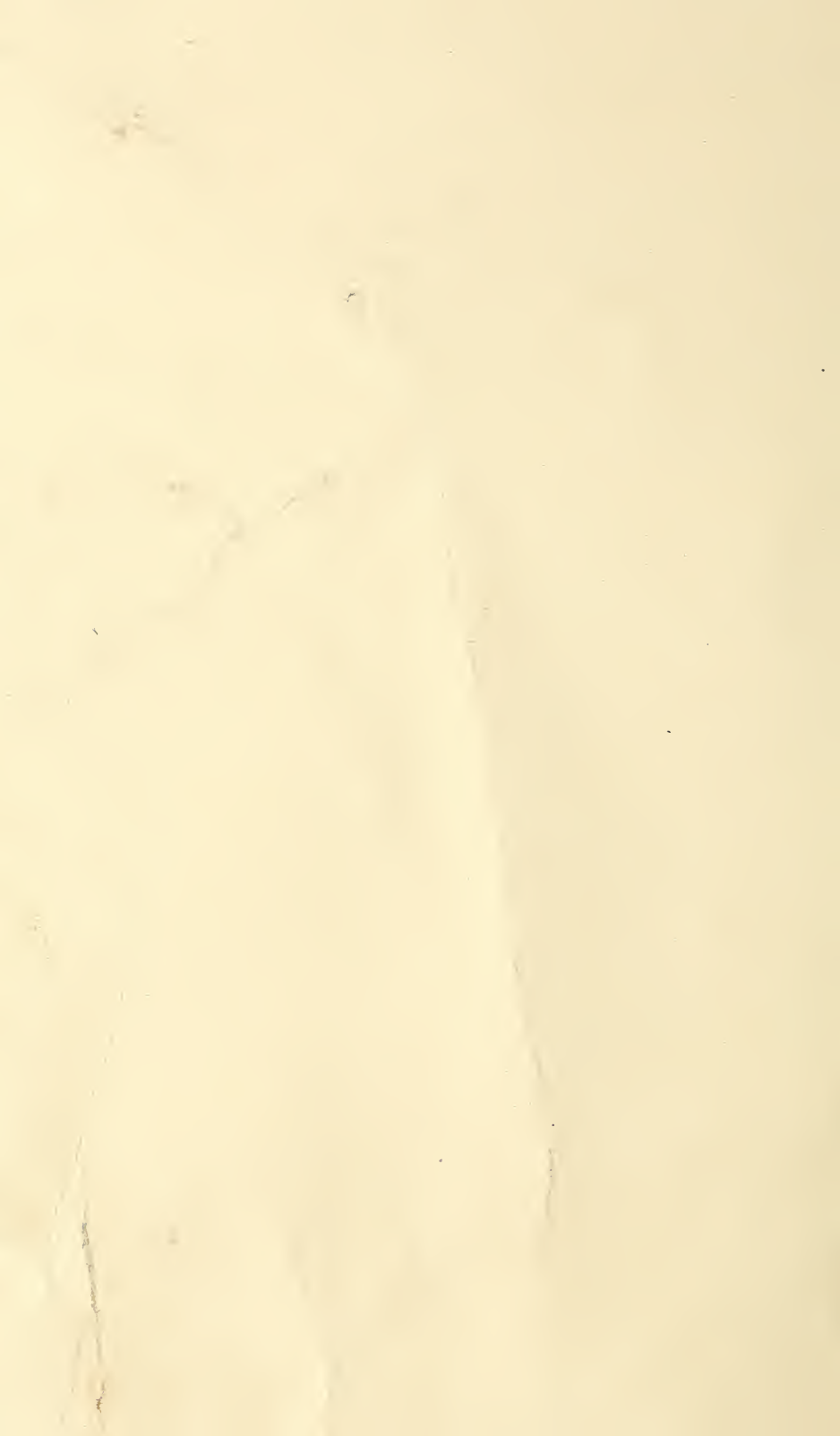


Historic, Archive Document

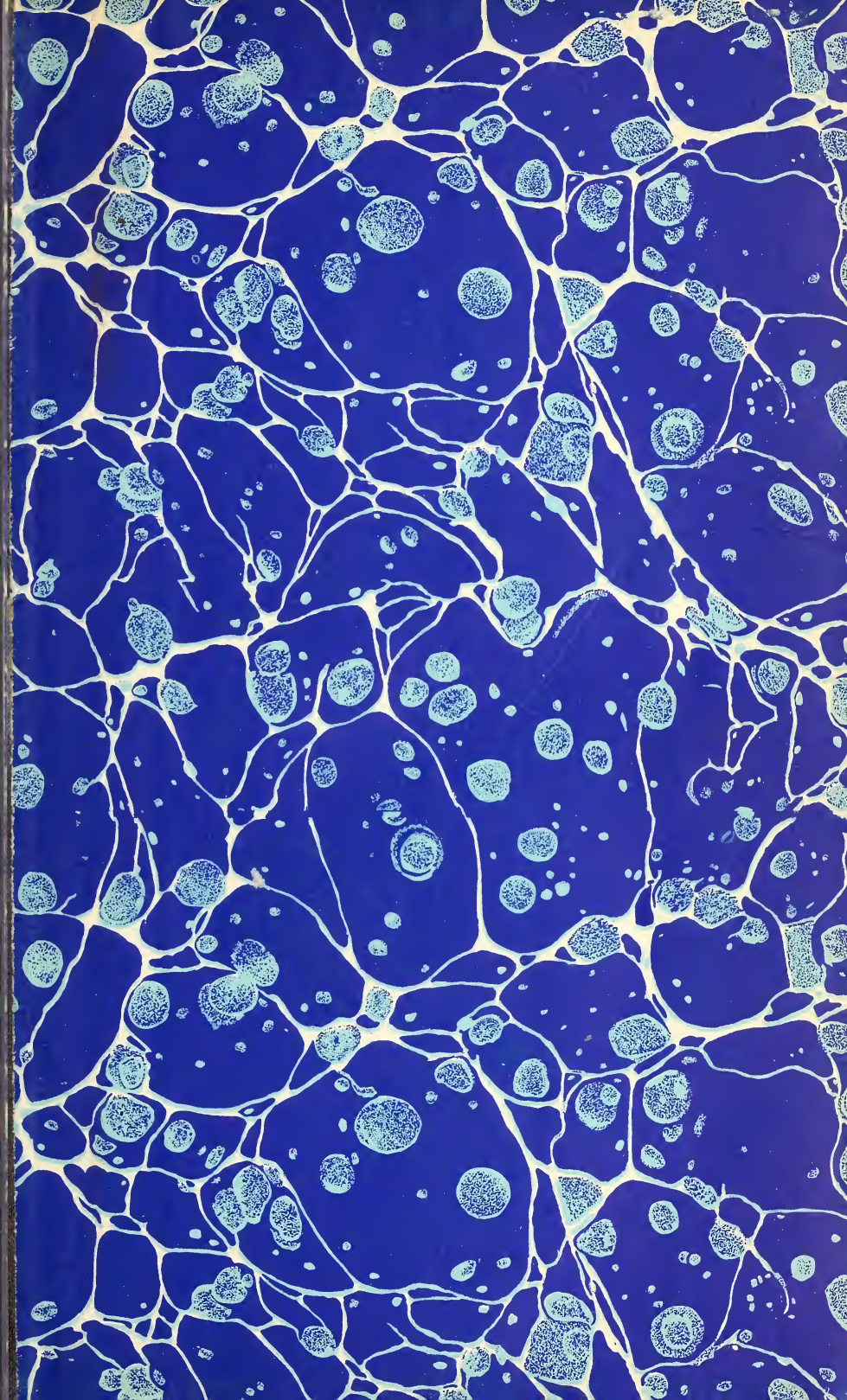
Do not assume content reflects current scientific knowledge, policies, or practices.



UNITED STATES
DEPARTMENT OF AGRICULTURE
LIBRARY



	Reserve
BOOK NUMBER	1
	F73N
	nos. 18001-
	19000
607692	1931-1932







JUL 13 1931

U. S. Department of Agriculture

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18001-18025

[Approved by the Secretary of Agriculture, Washington, D. C., June 17, 1931]

18001. Adulteration of canned turnip greens. U. S. v. 13 Cases, et al., of Canned Turnip Greens. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25783, 25784. I. S. No. 14537. S. No. 4035.)

Samples of canned turnip greens from the shipment herein described having been found to be sour and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 20 cases of canned turnip greens, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about October 8, 1930, and had been transported from the State of Georgia into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Georgia Belle Brand Fancy Turnip Greens * * * Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On February 20, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18002. Adulteration of canned pimientos. U. S. v. 860 Cases of Pimientos. Decree of condemnation. Product released under bond. (F. & D. No. 25535. I. S. No. 19778. S. No. 3831.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On or about December 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 860 cases of pimientos, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about October 14, 1930, and had been transported from the State of Georgia into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Sunshine Pimientos * * * Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 16, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be reshipped to Griffin, Ga., and examined under the supervision of this department, the unfit portion destroyed and the remainder released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

59259-31

1 60339
145

18003. Adulteration of canned tuna fish. U. S. v. 17 Cases of Canned Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25749. I. S. No. 021967. S. No. 3962.)

Samples of canned tuna fish from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Rhode Island.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 cases of canned tuna fish, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Halfhill Co., from Los Angeles, Calif., on or about October 17, 1929, and had been transported from the State of California into the State of Rhode Island, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On March 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18004. Adulteration of Greek string figs. U. S. v. 22 Cases of Greek String Figs. Default decree of condemnation and destruction. (F. & D. No. 25432. I. S. No. 8818. S. No. 3683.)

Samples of figs from the herein-described lot having been found to be wormy and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On December 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of Greek string figs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article was adulterated in violation of the food and drugs act. The article was labeled in part, "S & S Athena Brand New York * * * Selected String Figs, Packed and Shipped by Seideman & Seideman, Produce of Greece," and was a portion of a shipment imported from Greece into New York, N. Y., and shipped to Philadelphia and reshipped to Pittsburgh.

It was alleged in the libel that the article was adulterated in that it consisted partly of a filthy, decomposed or putrid vegetable substance.

On March 3, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18005. Adulteration of Greek string figs. U. S. v. 18 Boxes, et al., of Greek String Figs. Default decrees of condemnation and destruction. (F. & D. Nos. 25350, 25422, 25423. I. S. Nos. 8807, 8817, 8819. S. Nos. 3617, 3682, 3684.)

Samples of figs from the shipments herein described having been found to be wormy, insect-infested, and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On November 20, 1930, and December 2, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 108 boxes of figs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Wm. A. Camp Co., from New York, N. Y., in various consignments, on or about October 14, November 1, and November 5, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "S & S Athena Brand, New York * * * -Produce of Greece Selected String Figs Packed and Shipped by Seideman & Seideman."

It was alleged in the libels that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid vegetable substance.

On March 3, 1931, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18006. Adulteration and misbranding of evaporated apples. U. S. v. 25 Boxes, et al., of Evaporated Apples. Default decrees of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. Nos. 25474, 25567, 25569, 25570, 25571. I. S. Nos. 14402, 14516. S. No. 3738.)

Samples of evaporated apples from the shipments herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On December 15, 1930, and January 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 25 boxes and 348 cases of evaporated apples, remaining in the original unbroken packages at Columbus, Ga., alleging that the article had been shipped by the Smith Evaporating Co., from Farmington, Ark., on or about October 2, 1930, and transported from the State of Arkansas into the State of Georgia, and charging that the article was adulterated, and that a portion was misbranded, in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Wonder Brand Manufactured and Packed by Smith Evaporating Co., Farmington, Ark."

Adulteration was alleged in one libel, involving a portion of the product, for the reason that a substance containing excessive moisture had been substituted for the article. Adulteration was alleged in the libels, with respect to the remainder of the article, for the reason that insufficiently evaporated apples had been substituted wholly or partly for the said article.

Misbranding was alleged with respect to the greater portion of the article for the reason that the statement on the label, "Evaporated Apples," was false and misleading, and deceived and misled the purchaser when applied to insufficiently evaporated apples.

On February 5, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18007. Adulteration of catsup. U. S. v. 150 Cases of Catsup. Default order of destruction entered. (F. & D. No. 25608. I. S. No. 13520. S. No. 3855.)

Samples of tomato catsup from the shipment herein described having been found to contain mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases of tomato catsup, remaining in the original packages at Zanesville, Ohio, alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., on or about October 17, 1930, and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Tastwel Brand * * * Tomato Catsup W. W. Harper Co., Zanesville, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 9, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18008. Adulteration of canned pimientos. U. S. v. 47 Cases of Canned Pimientos. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25588. I. S. No. 13256. S. No. 3899.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 47 cases of canned pimientos at Kansas City, Mo., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 1, 1930, and had been transported from the State of Georgia into the State of Missouri, and charging adulteration in violation of the

food and drugs act. The article was labeled in part: "Sunshine Brand Pimientos First Quality * * * Pomona Products Co., Griffin, Georgia."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 16, 1931, Kryder-Shepard & French (Inc.), Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of judgment of condemnation and forfeiture, a decree was entered finding the product adulterated and ordering that it be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that no part thereof should be sold until properly processed and that the decomposed portion be separated from the article and destroyed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18009. Adulteration of Greek string figs. U. S. v. 16 Cases of Greek String Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25431. I. S. No. 5023. S. No. 3703.)

Samples of Greek string figs from the shipment herein described having been found to be wormy and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases of Greek string figs, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the William A. Camp Co., from New York, N. Y., on or about October 31, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Selected String Figs Packed and Shipped by Seideman & Seideman * * * S. & S. Athena Brand, New York."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid vegetable substance.

On February 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18010. Misbranding of canned clam nectar. U. S. v. 172 Cases, et al., of Clam Nectar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25651, 25652. I. S. Nos. 11675, 11699, 11700. S. No. 3925.)

Samples of canned clam nectar from the herein-described shipments having been found short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On January 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 346 cases of clam nectar, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Bugge Canning Co., from Sequim, Wash., on or about December 15, 1930, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Tureen Brand Clam Nectar Contents 3 Quarts 4 Fl. Oz. Packed by Bugge Canning Co., Sequim, Washington."

It was alleged in the libel that the article was misbranded in that the statement, "3 Quarts 4 Fl. Oz.," was false and misleading and deceived and misled the purchaser when applied to a product short of the said declared volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On January 26, 1931, the Bugge Canning Co., Sequim, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$594, conditioned in part that it be brought into compliance with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18011. Adulteration of tomato puree. U. S. v. 1,566 Cans and 783 Cases of Tomato Puree. Bonds filed. Decrees entered ordering unfit portion destroyed; remainder released to be reconditioned. (F. & D. Nos. 25285, 25437. I. S. Nos. 10346, 10436. S. Nos. 3547, 3711.)

Samples of canned tomato puree from the herein-described shipments having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On October 31, and December 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 783 cases and 1,566 cans of tomato puree, remaining in the original unbroken packages at St. Louis, Mo., consigned by the Crampton Canneries (Inc.), Celina, Ohio, alleging that the article had been shipped from Celina, Ohio, in part on or about September 25, 1930, and in part on or about November 7, 1930, and had been transported from the State of Ohio into the State of Missouri, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Cases) "Chic Puree Packed for Meyer Schmid Landau;" (cans) "Chic Brand Fancy * * * Tomato Puree * * * Hensgen-Peters Smith Co., Distributors, St. Louis." The remainder of the article was unlabeled.

It was alleged in the libels that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid vegetable substance.

On January 7, 1931, the Crampton Canneries (Inc.), Celina, Ohio, having appeared as claimant for the property and having tendered bonds totaling \$2,550, decrees were entered approving the said bonds and ordering that the product be delivered to the Louis Maull Co., St. Louis, Mo., on behalf of the claimant, upon payment of costs and that the cans found to be swelled or unfit for consumption be destroyed. It was further ordered by the court that the portion of the product found fit for consumption be sterilized, and that it should not be disposed of until examined by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18012. Adulteration of Greek string figs. U. S. v. 500 Cases of Greek String Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25318. I. S. No. 4975. S. No. 3585.)

Samples of Greek string figs from the herein-described shipment having been found to be insect-infested and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 12, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 500 cases of Greek string figs, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the George Segal Co., from New York, N. Y., on or about October 2, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "S & S Athena Brand New York * * * Produce of Greece Selected String Figs packed and shipped by Seideman & Seideman."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18013. Adulteration of chestnuts. U. S. v. 5 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25436. I. S. No. 4948. S. No. 3704.)

Samples of chestnuts from the herein-described shipment having been found to be moldy, rotten, and wormy, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five barrels of chestnuts, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Brown & Seccomb Fruit Auction Co. (Inc.), from New York, N. Y., on or about

November 19, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18014. Misbranding of cottonseed meal. U. S. v. 160 Sacks, et al., of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25434, 25435. I. S. Nos. 9630, 9675. S. Nos. 3695, 3696.)

Samples of cottonseed meal from the herein-described shipments having been found to contain less protein than declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On December 5, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 460 sacks of cottonseed meal, remaining in the original unbroken packages in part at Sidney, N. Y., and in part at Locke, N. Y., alleging that the article had been shipped by the International Vegetable Oil Co., Augusta, Ga., in two consignments, on or about September 11 and September 15, 1930, respectively, and had been transported from the State of Georgia into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Choice Prime Dixie Brand Cotton Seed Meal * * * Guaranteed Analysis, Min. Protein 41.12 Percent * * * Guaranteed by Humphreys Godwin Co. Memphis, Tenn." A portion of the article bore the further statement, "41 Percent Protein."

It was alleged in substance in the libel that the article was misbranded in that it was deficient in protein and the statements on the labels regarding the amount of protein contained in the said article were false and misleading.

On December 30, 1930, the Ames-Burns Co. (Inc.), Jamestown, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18015. Adulteration of canned pimientos. U. S. v. 20 Cases of Pimientos in Glass. Default decree of destruction entered. (F. & D. No. 25424. I. S. No. 15529. S. No. 3697.)

Samples of canned pimientos from the herein-described shipment having been found to be underprocessed and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On December 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of pimientos in glass, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 18, 1930, and had been transported from the State of Georgia into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Stanley Brand Pimientos * * * C. Borghardt Inc., Distributors, Brooklyn, N. Y."

It was alleged in the libel that the article was adulterated in that it was underprocessed and consisted in large part of a filthy, putrid, and decomposed vegetable substance.

On December 29, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18016. Adulteration of walnut meats. U. S. v. 200 Boxes of Walnut Meats. Product ordered released under bond. (F. & D. No. 25526. I. S. No. 2091. S. No. 3736.)

Examination of walnut meats from the herein-described shipment having shown that wormy, moldy, and rancid nuts were present in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On December 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 boxes of walnut meats, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Seattle, Wash., on or about December 13, 1930, and had been transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mayer's Brand California Shelled Walnuts."

It was alleged in the libel that the article was adulterated in that it consisted partly of a filthy, decomposed, or putrid vegetable substance.

On December 24, 1930, Leon Mayer, Los Angeles, Calif., claimant, having admitted the material allegations of the libel and having filed cost bond in the sum of \$250 and release bond in the sum of \$2,000, a decree was entered ordering that the product be released to the said claimant to be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18017. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 25446. I. S. No. 8831. S. No. 3561.)

Samples of butter from the herein-described shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On October 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter at Buffalo, N. Y., consigned by the Land O'Lakes Creameries (Inc.), Duluth, Minn., alleging that the article had been shipped from Duluth, Minn., October 23, 1930, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On October 31, 1930, the Land O'Lakes Creameries (Inc.), Duluth, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be reworked and reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$480, conditioned in part that it should not be sold or otherwise disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18018. Adulteration of dressed poultry. U. S. v. 27 Barrels and 1 Box of Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25631. I. S. No. 25361. S. No. 3920.)

Examination of the herein-described shipment having shown the presence therein of tuberculous, emaciated, and otherwise diseased or unfit poultry, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about January 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 barrels and 1 box of poultry at Chicago, Ill., alleging that the article had been shipped by the Fairmont Packing Co., from Fairmont, Minn., December 24, 1930, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of emaciated and insufficiently bled birds, and birds with generalized

tuberculosis, peritonitis, and hepatitis; in that it consisted in part of a decomposed animal substance; and in that it was the product of a diseased animal.

On February 26, 1931, the Fairmont Packing Co., Fairmont, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reselected under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18019. Misbranding of Barker's Special poultry powder. U. S. v. 16 Bags of Barker's Special Poultry Powder. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25477. I. S. Nos. 18555, 18559. S. No. 3714.)

Samples of Barker's Special poultry powder from the herein-described shipments having been found to contain less protein and fat and more crude fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 11, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 bags of the said Barker's Special poultry powder, remaining in the original unbroken packages at Fowling Creek, Md., alleging that the article had been shipped by Barker, Moore & Mein Co., from Philadelphia, Pa., in part on or about September 17, 1930, and in part on or about October 20, 1930, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Crude Protein Mini. 19.50%, Crude Fat Mini., 7% Crude Fibre Max. 9.50%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Crude Protein Mini. 19.50% Crude Fat Mini. 7% Crude Fibre Max. 9.50%," were false and misleading and deceived and misled the purchaser when applied to an article containing a less amount of protein and fat and more crude fiber than declared.

On January 30, 1931, Barker, Moore & Mein Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of until relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18020. Adulteration and misbranding of canned frozen eggs. U. S. v. 399 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25769. I. S. No. 9169. S. No. 4010.)

Samples of canned frozen eggs from the herein-described shipment having been found to be decomposed and to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 399 cans of frozen eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Land O'Lakes Creameries (Inc.), from Peoria, Ill., on or about June 24, 1930, and had been transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Land O'Lakes Frozen Eggs Land O'Lakes Creameries, Inc., Minneapolis, Minn. * * * Whole Eggs."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance. Adulteration was alleged for the further reason that a substance, sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Frozen Eggs * * * Whole Eggs," borne on the can label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 29, 1931, the Land O'Lakes Creameries (Inc.), Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,500, conditioned in part that it should not be sold or disposed of until sorted, the unfit portion removed therefrom, and the article made to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18021. Adulteration of canned frozen eggs. U. S. v. 533 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25739. I. S. No. 9167. S. No. 3966.)

Samples of canned frozen eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On January 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 533 cans of frozen eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Swift & Co., from Fort Worth, Tex., on or about May 5, 1930, and had been transported from the State of Texas into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "American Albumen Corporation Frozen Eggs, Mixed Eggs, Whole Eggs * * * New York, Dallas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 26, 1931, Swift & Co., Fort Worth, Tex., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that it should not be sold or disposed of until sorted, the unfit portion removed, and the fit portion inspected and approved by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18022. Misbranding of milk and honey graham crackers. U. S. v. 10 Dozen 1-Pound Packages, et al., of Milk and Honey Graham Crackers. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25744. I. S. No. 12090. S. No. 3952.)

Sample packages of crackers from the herein-described shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen 1-pound packages and 24 dozen 2-pound packages of milk and honey graham crackers, remaining in the original unbroken packages at Denver, Colo., consigned by the Loose Wiles Biscuit Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about November 25, 1930, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Sunshine Milk and Honey Graham Crackers. Net Weight 1 lb. [or "2 lbs.]" * * * The Loose Wiles Biscuit Company."

Misbranding of the article was alleged in the libel for the reason that the statements on the labels, "Net Weight 1 lb." and "Net Weight 2 lbs.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear plain and conspicuous statements of the quantity of the contents.

On February 11, 1931, the Loose Wiles Biscuit Co., a New Jersey corporation, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18023. Adulteration of dried dates. U. S. v. 1,368 Packages of Dried Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25572. I. S. No. 12068. S. No. 3860.)

Samples of dates from the shipment herein described having been found to be wormy, smutty, and beetle-infested, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,368 packages of dried dates, remaining in the original unbroken packages at Pueblo, Colo., consigned by the Acme Fruit Packing Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about October 20, 1930, and transported from the State of New York into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Package) "Cavalier Brand Superior Quality Oriental Dates * * * Sanitarily Packed Acme Fruit Packing Co., Inc., New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18024. Adulteration and misbranding of raspberry juice. U. S. v. 46 Cans of Raspberry Juice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25555. I. S. No. 5072. S. No. 3822.)

Samples of raspberry juice from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 cans of raspberry juice, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Washington Berry Growers Packing Corporation, from Sumner, Wash., on or about September 15, 1930, and had been transported from the State of Washington into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Red Raspberry Juice;" (case) "Red Raspberries Juice Packed by Washington Berry Growers Pkg. Corp., Sumner, Wash."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the labeling of the product, (can) "Red Raspberry Juice," and (case) "Red Raspberries Juice," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

On February 16, 1931, the H. A. Johnson Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18025. Adulteration of Brazil nuts. U. S. v. 129 Sacks of Brazil Nuts. Product ordered released under bond to be reconditioned. (F. & D. Nos. 25392 to 25399, incl. I. S. Nos. 9928, 10800, 10828, 10832. S. No. 3677.)

Examination of Brazil nuts from the shipments herein described having shown that approximately 18 per cent of the samples examined consisted of inedible nuts, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 129 sacks of Brazil nuts at St. Louis, Mo., alleging that the article had been shipped by the William A. Camp Co., New York, N. Y., on or about September 22, 1930, and had been transported from the State of New York into the State of Missouri, and charging adulteration in violation of the food and drugs act.

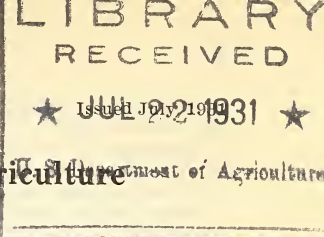
It was alleged in the libel that the article was adulterated in that it consisted partly of a filthy, decomposed, or putrid vegetable substance.

On December 15, 1930, William A. Camp & Co., St. Louis, Mo., claimant, having filed a petition and answer praying release of the product for shipment to New York to be reconditioned under the supervision of this department, and a bond having been executed by the said claimant in the sum of \$2,000, conditioned as provided by law, judgment was entered approving the said bond and ordering release of the product as prayed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 18001-18025

	N. J. No.		N. J. No.
Apples, evaporated:		Graham crackers, milk and honey:	
Smith Evaporating Co.....	18006	Loose Wiles Biscuit Co.....	18022
Barker's Special poultry powder:		Nuts—	
Barker, Moore & Mein Co.....	18019	Brazil:	
Brazil nuts. <i>See</i> Nuts.		Camp, W. A., Co.....	18025
Butter:		chestnuts:	
Land O'Lakes Creameries.....	18017	Brown & Seccomb Fruit Auc-	
Catsup:		tion Co.....	18013
Frazier Packing Co.....	18007	walnut meats:	
Chestnuts. <i>See</i> Nuts.			18016
Clam nectar. <i>See</i> Shellfish.		Pimientos, canned:	
Cottonseed meal. <i>See</i> Feed.		Pomona Products Co.....	18002,
Dates, dried:			18008, 18015
Acme Fruit Packing Co.....	18023	Poultry, dressed:	
Eggs, canned frozen:		Fairmont Packing Co.....	18018
Land O'Lakes Creameries.....	18020	Raspberry juice:	
Swift & Co.....	18021	Washington Berry Growers	
Feed—		Packing Corporation.....	18024
cottonseed meal:		Shellfish—	
International Vegetable Oil		clam nectar, canned:	
Co.....	18014	Bugge Canning Co.....	18010
Figs, Greek string:		Tomato puree:	
	18004	Crampton Canneries.....	18011
Camp, W. A., Co.....	18005, 18009	Tuna fish. <i>See</i> Fish.	
Segal, George, Co.....	18012	Turnip greens, canned:	
Fish—		Pomona Products Co.....	18001
tuna, canned:		Walnut meats. <i>See</i> Nuts.	
Halfhill Co.....	18003		



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18026-18050

[Approved by the Secretary of Agriculture, Washington, D. C., June 24, 1931]

18026. Adulteration of ether. U. S. v. 26 Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to this department. (F. & D. No. 25609. I. S. No. 8929. S. No. 3901.)

A sample of ether from the shipment herein described having been found to contain peroxide, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about July 1, 1930, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

On March 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for analytical purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18027. Adulteration and misbranding of ether. U. S. v. Twelve 1-Pound Cans, et. al. of Ether. Default decrees of condemnation and forfeiture. Portion of product released to this department; remainder destroyed. (F. & D. Nos. 25406, 25672, 25940. I. S. Nos. 8815, 8839, 28136. S. Nos. 3673, 3953, 4199.)

Samples of ether taken from each of the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On December 2, 1930, January 13, 1931, and February 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of twelve 1-pound cans and 107 quarter-pound cans of ether, remaining in the original unbroken packages in part at Pittsburgh, Pa., and in part at Erie, Pa., alleging that the article had been shipped by Merck & Co. (Inc.) from Rahway, N. J., in various consignments, on or about April 21, 1930, September 9, 1930, and January 23, 1931, respectively, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P." or "Ether U.S.P."

Adulteration was alleged in the libels filed with respect to a portion of the article for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia.

Adulteration was alleged with respect to the remainder of the said article for the reason that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements, "Ether for Anesthesia U. S. P." and "Ether U. S. P.," as the case might be, borne on the labels, were false and misleading.

On March 21, 1931, and March 30, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered. It was ordered by the court that a portion of the product be delivered to this department for analytical purposes, and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18028. Misbranding of Q-623. U. S. v. 18 Dozen Bottles of Q-623. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25615. I. S. No. 9296. S. No. 3904.)

Examination of a drug product, known as Q-623, from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On January 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 dozen bottles of Q-623, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the Loewy Drug Co. (Inc.), from Baltimore, Md., on or about November 4, 1930, and had been transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, sodium bicarbonate, and water, flavored with orange oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "A Prescription for Rheumatism, Neuritis, Arthritis, Sciatica, Lumbago, Etc., Guaranteed Relief to all Sufferers—A Few Doses Eliminate the Pain."

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18029. Adulteration of ergot of rye. U. S. v. 9 Bags of Ergot of Rye. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25936. I. S. No. 20250. S. No. 4183.)

Samples of ergot of rye from the shipment herein described having been found to be moldy, decomposed, worm-eaten, and infested with live insects, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine bags of ergot of rye, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been imported from Hamburg, Germany, into the State of New York, in part on April 13, 1927, and in part on April 21, 1927, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

On March 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. It was further ordered that the marshal weigh the product prior to destroying it and report the weight in his return of the writ.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18030. Misbranding of Prescription No. 3913 for rheumatism. U. S. v. 10 Packages of Prescription Number 3913. Default decree of condemnation and destruction. (F. & D. No. 25644. I. S. No. 20007. S. No. 3906.)

Examination of a drug product, known as Prescription No. 3913 for rheumatism, having shown that the labels contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On January 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 packages of Prescription No. 3913 for rheumatism, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by C. H. Platt, from Brooklyn, N. Y., on or about December 8, 1930, and had been transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, extracts of plant drugs, alcohol, sugar, and water, flavored with sassafras oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Sciatica Muscular and Chronic Rheumatism Successfully used since October 14th, 1892, in the treatment of Gout * * * For Sciatica and Muscular Rheumatism and in the treatment of Chronic Rheumatism and Gout. * * * had at that time been a sufferer from Chronic Rheumatism for more than ten years, and had given up hope of ever being relieved. He used the medicine with the most satisfactory results, a complete and permanent cure being effected * * * It is a Prescription that represents a combination of medicines so exact in proportion as to exert their curative powers in a remarkable degree in the various forms of Muscular and Chronic Rheumatism. * * * Our Earnest request to those who have been restored to health by its use, is that * * * This medicine has been used successfully in Sciatica and Muscular Rheumatism and in the treatment of Chronic Rheumatism and Gout, it has proven to be of value. * * * Prescription 3913, in the cases where it has proven effective produces results that are permanent and complete * * * Sciatica, Muscular, For Rheumatism, Chronic Rheumatism and Gout."

On February 24, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18031. Misbranding of Dr. James P. Campbell's Safe Arsenic complexion wafers. U. S. v. 3 Dozen Packages of Safe Arsenic Complexion Wafers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25658. I. S. No. 19809. S. No. 3926.)

Examination of the drug product herein described having shown that the box label, wrapper, and circular contained statements representing that the article was safe and harmless, whereas it was not, and that the said labeling further represented that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On January 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen packages of the said Dr. James P. Campbell's Safe arsenic complexion wafers, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the McCullough Drug Co., from Cincinnati, Ohio, on or about September 22, 1928, and had been transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the wafers consisted of starch containing a small proportion of arsenic.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Box) "Guaranteed absolutely safe and harmless to anybody;" (wrapper) "Safe * * * Guaranteed absolutely safe and harmless to anybody;"

(circular) "Of Dispensing this Potent Remedy." Misbranding was alleged for the further reason that the following statements appearing in the circular accompanying the article, regarding its curative and therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "A Remedy which acts directly upon the skin, through the stomach, liver, blood and nerves. * * * Internally, Arsenic has been exhibited in a great variety of diseases, the principal of which is Cancer, especially Cancer of the Lip; Ulcers, nearly all varieties of Cutaneous (Skin) Diseases, Intermittent Fever, Malaria, * * * Chronic Rheumatism, particularly when attended with Pains in the Bones, Rheumatic Gout, Diseases of the Bones, especially Nodes, and Firm Swellings; Deformity of the Small Bones of the Hands, Chronic Syphilitic Affections, Frontal Neuralgia, Painful Affections of the Head, known as Hemicrania and Painful Headache; Neuralgic Pains of the Stomach and Bowels. No remedy equals it in that most obstinate affection of the joints known as Rheumatic Gout. Dr. Henry Hunt, of Dartmouth, England, found it most useful in Ulcerated Cancer of the Womb; also in Irritable Womb, attended with bearing down in the erect posture. In Skin Affections, especially those of a scaly character, as Lepa Psoriasis and Eczema, it is a most invaluable remedy. Dr. Pereira says that he has used it in a large number of cases of this kind, without a single failure. It is also invaluable in the treatment of Lupus and of ill-looking sores of the Face, Lips and Tongue. It has also proved very beneficial in Piles, Passive Hemorrhages, and in Habitual Constipation." Dr. Devesgie has in many instances succeeded in curing Diabetes by means of arsenic, without change of diet. Five cases of snake bites, occurring in men, were cured by Dr. Ireland in the Island of St. Lucia. * * * In dyspepsia and indigestion Arsenic has often performed wonders. * * * Arsenic in Pulmonary Tuberculosis. * * * Dr. Jacoby says that, if there be any medicine, which besides quinine and mercury has been called a Specific in many diseases, it is Arsenic. It prevents putrefaction. It acts very favorably in Malaria, Chronic Skin Diseases, and maladies of the nervous system, and has considerable and sometimes unexpected effects in the treatment of Lymphoma, even of Lymphosarcoma. * * * Hans Buchner, years ago, advocated the Arsenic treatment of pulmonary phthisis and believed that phthisis could be prevented by Arsenic * * * These beneficial results do not occur only in the incipient stages of phthisis, but also become manifest in later stages. * * * Arsenic Complexion Wafers are the best Blood Purifier and Skin Purifier. * * * body builder and rejuvenator. * * * it works slow but the results are sure and permanent. * * * Arsenic Wafers are absolutely safe and harmless to anybody, they are so prepared, that they can be safely taken for any length of time, * * * 'Richard Fink Co. I am sending for another box of Dr. Campbell's Wafers. Am 45 years old and since I commenced taking these wafers I can truly say I never had such health. I feel like I am only 25 instead of 45. My complexion is improved so I soon can't find a wrinkle or a speck. They are doing wonders for me, and every woman of 40 years should make haste to get them. They do all you claim for them and thousands more. Yours Respectfully. Mrs. J. B.'"

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18032. Adulteration and misbranding of Pyor-Heal. U. S. v. 63 Bottles of Pyor-Heal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25762. I. S. No. 9295. S. No. 3948.)

Examination of samples of a drug product, known as Pyor-Heal, having shown that the article was represented to be an antiseptic and bactericide, whereas it was not, and that the bottle label and circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Virginia the herein-described shipment of a quantity of the product located at Norfolk, Va.

On or about January 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 63 bottles of Pyor-Heal, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the Brander Co., from New York, N. Y., on or about October 15, 1930, and

had been transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of phenols, resins, and sodium hydroxide, and water. Bacteriological examination showed that the article was not an antiseptic nor a bactericide.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality of "Antiseptic and Bactericidal," under which it was sold.

Misbranding was alleged for the reason that the following statements, appearing on the bottle label and in the circular, were false and misleading: (Bottle) "Antiseptic and Bactericidal;" (circular) "The beneficial results * * * are due to the combined antiseptic * * * properties of the ingredients, * * * through its strong bactericidal strength * * * Laboratory report showing germicidal strength, antiseptic * * * properties." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Pyor-Heal * * * for the Treatment of Pyorrhea (Causing receding gums) Vincent's Angina (Trench Mouth) * * * Beneficial in Allaying Inflammatory Conditions of the Mucous Membranes of the Mouth and Throat. * * * Pyor-Heal is recommended for home use as a supplemental treatment in conditions of Pyorrhea, Gingivitis, Trench-Mouth, Bleeding Gums, Canker Sores. Pyor-Heal will be found an effective prophylactic if used as a mouth wash and gargle night and morning. Dilute as indicated. * * * Prophylactic after extraction;" (circular) "For the treatment of Pyorrhea (causing receding gums) Vincent's Angina (Trench Mouth), Gingivitis, * * * Bleeding Gums and of benefit in allaying all inflammatory conditions of the mouth and throat. * * * Pyor-Heal is a remedy and gives absolute results in all inflammatory conditions. * * * acting both as a prophylactic and antiseptic for all inflamed conditions of the mouth. * * * Pyor-Heal is specifically indicated as a home treatment after teeth have been properly cleaned by the dentist, in conditions of sore, inflamed or bleeding gums, gingivitis, pyorrhea, etc. Pyor-Heal is recommended not only for the prevention of diseased conditions arising in the gums and mouth, but also as an active remedial agent as its name implies. In the treatment of Pyorrhea, both during the height of its symptoms and thereafter as a safeguard against its recurrence. Pyor-Heal if used will almost immediately arrest gum recessions. * * * Pyor-Heal should be used freely in all the following conditions: Pyorrhea, Gingivitis, Tonsillitis * * * Sore Throat, Tender Gums, Spongy Gums, Bleeding Gums, Turgid Gums, Loose Teeth, Abscesses, Salivation * * * Canker Sores, Diphtheria, Quinsy * * * Pyor-Heal is a remedy. * * * For Pyorrhea, Gingivitis, Bleeding, Swollen or Receding Gums, or Loose Teeth, and after extractions, use one teaspoonful undiluted after meals and before retiring, until the acute symptoms have subsided, churning the liquid between the teeth and around the gums, for several minutes. * * * This treatment will be found very beneficial for Sore Throat, Hoarseness, Canker Sores."

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18033. Adulteration and misbranding of ether. U. S. v. Fifty-two 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to this department. (F. & D. No. 25673. I. S. No. 8939. S. No. 3959.)

Samples of ether taken from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-two 1-pound cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been

shipped by the American Solvents & Chemical Corporation, on or about November 24, 1930, from Albany, N. Y., and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statements on the can labels, "Ether U. S. P. X." and "Ether U. S. P.," were false and misleading when applied to ether containing peroxide.

On March 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for analytical purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18034. Adulteration and misbranding of Lorty antiseptic tooth paste. U. S. v. 188 Dozen Tubes of Antiseptic Tooth Paste * * * Lorty. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25610. I. S. No. 9288. S. No. 3905.)

Examination of the product herein described having shown that it was represented to be an antiseptic, and to possess certain curative and therapeutic properties, whereas it was not antiseptic, and did not possess such curative and therapeutic properties, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 188 dozen tubes of tooth paste, labeled "Antiseptic Tooth Paste * * * Lorty," remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the B. F. Allen Co., New York, N. Y., on or about September 3, 1930, and had been transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, potassium chlorate, glycerin, water, flavoring material including peppermint oil, and a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic Tooth Paste," appearing on the carton and tube of the product, was false and misleading. Misbranding was alleged for the further reason that the statement "Helps prevent pyorrhea," appearing on the said carton and tube, regarding the curative or therapeutic effects of the said article, was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 31, 1931, the Read Drug & Chemical Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled and should not be sold or disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18035. Misbranding of menthol inhalers. U. S. v. 5 Dozen Menthol Inhalers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26018. I. S. No. 28041. S. No. 4288.)

Examination of menthol inhalers from the shipment herein described, having shown that the glass tube containing the article and the display card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 dozen menthol inhalers, remaining in the original unbroken packages at Easton, Pa., consigned by the Coeur Azur Co., Brooklyn, N. Y.,

alleging that the article had been shipped from Brooklyn, N. Y., on or about March 24, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of a glass tube containing menthol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Inhaler label) "For the relief of * * * Headache;" (display card) "Relieves * * * Headache, Hay Fever, Asthma, Influenza, Neuralgia * * * Etc."

On April 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18036. Adulteration and misbranding of alkaline and antiseptic tablets. U. S. v. 60 Bottles, et al., of Alkaline and Antiseptic Tablets. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26020. I. S. Nos. 28407, 28408. S. No. 4264.)

Examination of the alkaline and antiseptic tablets from the shipments herein described having shown that the article was not antiseptic when used in the dilution directed, and that the label bore statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On March 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 bottles and 446 dozen bottles of alkaline and antiseptic tablets, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by John Wyeth & Bro. (Inc.), from Philadelphia, Pa., in part on or about October 28, 1930, and in part on or about February 5, 1931, and had been transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "100 Alkaline and Antiseptic Tablets * * * 1165435." The remainder of the said article was labeled in part: "50 Alkaline and Antiseptic Tablets * * * 1149010."

Analysis of a sample of the article by this department showed that the tablets contained sodium chloride, sodium bicarbonate, sodium salicylate, sodium benzoate, and sodium borate, flavored with volatile oils including thymol, menthol, eucalyptol, and methyl salicylate. Bacteriological examination showed that the article was not antiseptic when prepared for use as directed, i. e., one tablet dissolved in 2 fluid ounces of water.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the said article fell below such professed standard, since it was not antiseptic in the solution recommended.

Misbranding was alleged for the reason that the statements on the bottle label and in the accompanying circular, (bottle) "Antiseptic Tablets * * * it will prove a most valuable * * * antiseptic," and (circular) "Antiseptic Tablets * * * may be used with benefit as a disinfecting and antiseptic * * * wash," were false and misleading in that the article was not antiseptic in the solution recommended. Misbranding was alleged for the further reason that the statement on the bottle label, "In cases of Stomatitis and retraction of the gums," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 27, 1931, John Wyeth & Bro. (Inc.), Philadelphia, Pa., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18037. Misbranding of Simmons' cough syrup. U. S. v. 54 Bottles, et al., of Simmons' Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25881. I. S. No. 12208. S. No. 4124.)

Examination of a drug product, known as Simmons' cough syrup, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On or about February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-four 25-cent-sized and 14 dozen 50-cent-sized bottles of Simmons' cough syrup, remaining in the original bottles at La Junta, Colo., consigned by the Allied Drug Products Co., Chattanooga, Tenn., alleging that the article had been shipped from Chattanooga, Tenn., on or about August 16, 1928, and had been transported from the State of Tennessee into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, chloroform, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Coughs, Whooping Cough, Influenza, and Bronchial Affections;" (carton) "For the relief of Coughs, Whooping Cough, Influenza * * * Sore Throat, Asthma, Bronchitis and Bronchial Affections * * * Stop Coughing."

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18038. Misbranding of Jarabe de Kofressi Contra el Reumatismo. U. S. v. 3 Dozen Bottles of Jarabe de Kofressi Contra el Reumatismo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25889. I. S. No. 5745. S. No. 4135.)

Examination of the drug product herein described having shown that the carton and bottle labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On February 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Jarabe de Kofressi Contra el Reumatismo at Aguadilla, P. R., alleging that the article was in possession of Jose Ferrari, Aguadilla, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, guaiacol, extracts of plant drugs, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Translation from Spanish, carton) "For the treatment of Muscular and Acute Rheumatism, Inflammation due to Gout, Lumbago and Sciatica;" (bottle) "Anti-Rheumatic * * * for the treatment of Articular and Muscular Rheumatism, Sciatica, Inflammatory Rheumatism, all acute manifestations of Rheumatism and Gout. The best Depurative for the Impurities of the Blood;" (circular) "Rheumatism, Under the word 'Rheumatism' there are included various affections of different nature: First, The acute affection in the articulations, known in medicine under the name of Acute Articular Rheumatism; Second, The disease or maybe the series of diseases named Chronic Rheumatism; and Third, Muscular Rheumatism. Acute Articular Rheumatism * * * There are possibilities that the inflammation may extend to the heart * * * chronic rheumatism * * * muscular rheu-

matism * * * treatment * * * The best thing that has proven to be of best value, as it is demonstrated by numerous testimonials of individuals that were almost crippled and that had lost all hope of living, is the discovery of the celebrated and famous syrup Kofressi. This has been the savior of humanity * * * Anti-Rheumatic Syrup Kofressi * * * about a year ago I was suffering from a terrible Rheumatic affection, accompanied by infarcts in the glands, specially those of the right armpit. This deprived me for a long time to attend to my business, because it was very difficult for me to do it on account of the pain. No longer being able to resist such terrible disease, and no alleviation having been felt with all the medicines I had taken * * * I noticed that the Rheumatism was ceasing, the gland disappeared and that a sensation of good feeling was announcing me the return of my health. * * * This I make public as a duty * * * I feel highly grateful for having returned to me the most precious gift, Health, with the best Anti-Rheumatic Specific that has ever been known."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18039. Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25986. I. S. No. 9769. S. No. 4218.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cans of ether, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about January 19, 1931, and had been transported from the State of New Jersey into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading when applied to an article containing peroxide.

On April 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

18040. Misbranding of Clay Pine. U. S. v. 7 Jars of Clay Pine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26001. I. S. No. 28149. S. No. 4254.)

Examination of a drug product, known as Clay Pine, from the shipment herein described having shown that the jar label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be a natural product, whereas it was a compound, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven jars of Clay Pine at Pittsburgh, Pa., alleging that the article had been shipped by the Clay Pine Products Co., from Columbus, Ohio, on or about January 17, 1931, and had been transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Made of Nature."

Analysis of a sample of the article by this department showed that it consisted of clay, tar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the jar label, "Made of Nature," was false and misleading.

Misbranding was alleged for the further reason that the following statements on the jar label were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "An efficient remedy for Sore Throat, Influenza, Pneumonia, Croup, * * * Lung Trouble, * * * Boils, Lumbago, Piles, Eczema, Sores of all Kinds, Swollen Glands, * * * Ulcers, etc. * * * Directions * * * For Congestion * * * For * * * Boils, Piles, * * * Eczema and all kinds of Sores, * * * We are very proud of the service that Clay Pine has been in the Treatment of Pneumonia. * * * It is the Penetrating Healing Pure Oil that does the work in Pneumonia."

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18041. Misbranding of Stretch's balsam wild cherry and horehound. U. S. v. 2 1/12 Dozen Bottles of Stretch's Balsam Wild Cherry and Horehound. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 26015. I. S. No. 28086. S. No. 4237.)

Examination of the drug product herein described having shown that the bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 1/12 dozen bottles of Stretch's balsam wild cherry and horehound, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Joseph D. Blauth Estate, Trenton, N. J., alleging that the article had been shipped from Trenton, N. J., on or about February 10, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including wild cherry, menthol, methyl salicylate, chloroform, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For the cure of coughs * * * sore throat * * * croup, asthma, bronchitis, soreness of the lungs, whooping cough and all diseases leading to consumption;" (carton) "For Coughs, * * * Sore Throat * * * Croup, Asthma, Bronchitis, Soreness of the Lungs, Whooping Cough, and all Diseases leading to Consumption. * * * A safe and efficient Remedy for Coughs * * * Sore Throat, Asthma, Soreness of the Lungs, &c. &c."

On April 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18042. Misbranding of Jarabe de Kofressi Contra el Reumatismo. U. S. v. 5 Dozen Bottles of Jarabe de Kofressi Contra de Reumatismo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25914. I. S. No. 5747. S. No. 4173.)

Examination of the drug product herein described having shown that the carton and bottle labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On February 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five dozen bottles of Jarabe de Kofressi Contra el Reumatismo at San Juan, P. R., alleging that the article was in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, guaiacol, extracts of plant drugs, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Translation from Spanish, carton) "For the treatment of Muscular and Acute Rheumatism, Inflammation due to Gout, Lumbago and Sciatica;" (bottle) "Anti-Rheumatic * * * for the treatment of Articular and Muscular Rheumatism, Sciatica, Inflammatory Rheumatism, all acute manifestations of Rheumatism and Gout. The best Depurative for the Impurities of the Blood;" (circular) "Rheumatism, Under the word 'Rheumatism' there are included various affections of different nature: First, The acute affection in the articulations, known in medicine under the name of Acute Articular Rheumatism. Second, The disease or maybe the series of diseases named Chronic Rheumatism, and Third, Muscular Rheumatism. Acute Articular Rheumatism * * * There are possibilities that the inflammation may extend to the heart * * * chronic rheumatism * * * muscular rheumatism * * * treatment * * * The best thing that has proven to be of the best value, as it is demonstrated by numerous testimonials of individuals that were almost crippled and that had lost all hope of living, is the discovery of the celebrated and famous Syrup Kofressi. This has been the savior of humanity * * * Anti-Rheumatic Syrup Kofressi * * * about a year ago I was suffering from a terrible Rheumatic affection, accompanied by infarcts in the glands, specially those of the right armpit. This deprived me for a long time to attend to my business, because it was very difficult for me to do it on account of the pain. No longer being able to resist such terrible disease, and no alleviation having been felt with all the medicines I had taken * * * I noticed that the Rheumatism was ceasing, the gland disappeared and that a sensation of good feeling was announcing me the return of my health. * * * This I make public as a duty * * * I feel highly grateful for having returned to me the most precious gift, Health, with the best Anti-Rheumatic Specific that has ever been known."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18043. Misbranding of Dr. Livingston's Regenerator. U. S. v. 41/3 Dozen Bottles of Dr. Livingston's Regenerator. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25911. I. S. No. 14485. S. No. 4118.)

Examination of a drug product, known as Dr. Livingston's Regenerator, from the shipment herein described having shown that it was represented as conforming with the food and drugs act, whereas it did not, and that the bottle and carton labels and accompanying circular and booklet contained statements claiming that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On February 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four and one-third dozen bottles of Dr. Livingston's Regenerator, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., on or about December 23, 1930, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, extracts of plant drugs including a laxative drug, alcohol, water, and flavoring materials.

It was alleged in the libel that the article was misbranded in that the statement appearing on the carton, "Guaranteed to conform with all Pure Food Laws," was false and misleading, when applied to an article which was misbranded within the meaning of the Federal food and drugs act. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent,

since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Nerve Tonic & Blood Purifier. It purifies the blood and brings an end to rheumatism * * * conquered and impurities driven from the system. Regenerator;" (carton) "Regenerator. Repairs Waste Tissue, Builds up the System, Purifies the Blood * * * for the Liver. When you cannot sleep, and feel weak from overwork and other causes, take this Regenerator. It will strengthen your nerves, * * * and restore your health. As a regulator for the liver * * * For Nervous and General Debility. Weak Kidneys, Lame Back, Liver Complaint * * * Rheumatism and All Impurities of the Blood of Long Standing. It is a Tonic and Strength Builder. * * * For the troubles peculiar to women * * * Nursing mothers are especially benefited by its use. * * * New Liver and Kidney Medicine * * * and drives impurities from the system. By its use the blood is purified and rheumatism ended. Stimulants are unnecessary, as it brings vim and life to the body. It may be taken freely by young and old. * * * Restoring the Freshness and Brilliancy of Youth. It paints the bloom of a rose in the face, for it brings new health and life to the body. * * * cause a purified and enriched supply of blood, and spots and eruptions are banished;" (booklet) "Regenerator * * * Nerve Tonic and Blood Purifier * * * Regenerator supplies the necessary nourishment for your blood, giving it strength and vitality—it stimulates the growth and reproduction of cells and tissues, enabling the enriched blood and stronger cell life to throw off accumulated poisons, impurities and waste and regenerating a healthy condition throughout the system. Kidney and Bladder Troubles * * * The Blood * * * Liver Complaint * * * The Nerves * * * Female Troubles * * * You Need Help Today Because—those shooting pains and sore joints indicate the appearance of Rheumatism,—that bilious and 'headachy' feeling proves a stagnant liver,—those Pimples, Boils, Ulcers and Skin Blemishes show that the Blood needs purifying,—that 'tired feeling,' wakeful nights, lack of energy and 'pep' are results of an undernourished system,—those spells of Indigestion lead to more serious complaints. * * * that Lame Back points to inactive Kidneys,—the 'after-effects' of 'flu' need to be checked. * * * You Need Dr. Livingston's Regenerator The Great Nerve Tonic and Blood Purifier. Do You Know—that whether you are on crutches with Rheumatism; suffering from Kidney and Bladder Troubles; threatened with Brights' Disease; Uric Acid Poisoning; High Blood Pressure, etc.—whether it is a Nervous Breakdown, Sleeplessness or Staggering Spells—Regenerator will prove its wonderful merit in bringing relief,—that it may be from Bilious Headache, Loss of Appetite, Dizziness or other general complaints due to a Sluggish Liver, you are suffering. In any case Regenerator stands ready to prove its wonderful aid in removing these troubles and restoring you to normal health.—that if your troubles are deep-seated Blood Afflictions—Eczema, Boils, Skin Disease, Ulcers, Abscesses or other troubles of long standing, arising from impurities in the blood, by taking Regenerator you will be astonished and happy to see how quickly your troubles begin to disappear. 'Four bottles of Regenerator entirely cured me of Rheumatism.' * * * Rheumatism Sufferer Says: ' * * * I suffered from Rheumatism and lameness for months and was practically unable to move about without excruciating pains. * * * a friend insisted that I try Regenerator. The first bottle afforded almost immediate relief, and two bottles practically cured me.' * * * Female Trouble Sufferer Says: ' * * * For five years I suffered with Female Trouble, Kidney and Bladder Trouble and Constipation. Was also troubled with the change of life, I had three different doctors, but they did me no good. My husband bought a bottle of Dr. Livingston's Regenerator and have found myself that it is worth its weight in gold. I advise all suffering women to take it.' * * * 'Flu' After Effect Sufferer Says: ' * * * Kidney and Bladder Sufferer says: ' * * * I have been a chronic sufferer for six years with Kidney and Bladder Trouble, Lame Back, Sick Headache, Nervous Indigestion and Dizziness. My husband coaxed me to give Regenerator a trial and I started taking it—now I hardly know how to explain my feelings and gratitude as it is wonderful what Regenerator did for me.' * * * eliminating waste through the Liver and Kidneys. * * * As a Cell Food * * * As a Tissue Builder * * * Answer the Call of Health."

On March 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18044. Misbranding of Cherry's Famous salve. U. S. v. 3 Dozen Large Packages, et al., of Cherry's Famous Salve. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 25877. I. S. Nos. 27811, 27861, 27862. S. No. 4056.)

Examination of a drug product, known as Cherry's Famous salve, from the shipments herein described having shown that it was represented as complying with the food and drugs act, whereas it did not, and that the box label and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 10 and February 11, 1931, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 dozen large-sized and 27 dozen small-sized packages of Cherry's Famous salve, remaining in the original unbroken packages at Philadelphia, Pa., consigned by William E. Cherry, Trenton, N. J., alleging that the article had been shipped from Trenton, N. J., in various consignments, on or about December 26, 1930, and January 22 and February 4, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a lead salt of an organic acid, fatty oils, and camphor.

It was alleged in the libels that the article was misbranded in that the statement appearing in the circular, "These goods are guaranteed to comply with the provisions of the Pure Food and Drugs Act," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box) "Blood Poison, Piles, Burns, Eczema, Felons, Ulcers, Abscesses, All Kinds of Sores;" (circular) For All Kinds of Sores and Skin Diseases * * * Famous salves and remedies, which were formulated by * * * specialist on Blood Poison, Felons, * * * Ulcers, Eczema, Carbuncles, Boils, Pimples, Abscesses, Piles * * * quick relief for Pneumonia, Catarrh, Hay Fever and all kinds of Sores and Soreness. * * * Why does Cherry's Salve make so many remarkable cures? Because it draws out all the poison and corruption and heals from the bottom only * * * [testimonials in circular] Blood poison from running a splinter in her finger; * * * she used * * * and got immediate relief and completely cured. * * * Fell in boiling clay; * * * gave immediate relief and making a complete cure without leaving any scars. * * * Blood poison; refused amputation; * * * used * * * and was completely cured. * * * ran a piece of wire in his hand, causing the worst kind of blood poisoning and swelling his hand * * * got immediate relief and is now completely cured. * * * I was nursing a very sore thumb. * * * pronounced it a bone felon, and so it proved to be. * * * The last time it was lanced blood poison set in, and had gone nearly to my elbow, * * * said it would have to be amputated. I was getting ready to go to the hospital when a friend asked me to try * * * The first application was made about five o'clock in the afternoon, the second at nine o'clock and I went to bed and for the first night in six weeks I had a good night's rest. The next morning the blood poisoning was gone. * * * It not only cured my thumb, but also cured two very bad carbuncles that I had. My little boy ran a rusty nail in his foot and * * * cured it immediately. * * * after running point of scissors in it. Blood poison set in, swelling three times its natural size; refused to have it amputated; then using * * * is completely cured, and wants every person to use * * * immediately and prevent blood poison. * * * Four ulcers on this man's leg were caused by a fall. They were of long standing; blood poison set in; he refused to have an operation performed, and was cured with * * * had his leg run over with a heavy wagon fracturing the bone and causing a sore six inches long and four inches wide. Was in the best hospitals a long time, had his leg operated on several times, had skin grafted on it but it wouldn't heal, then he was discharged as incurable. The sore kept spreading larger all the time until he used * * * which gave him immediate relief and completely cured him. * * * was bitten near through the cheek by a vicious dog. After having it cauterized * * * in four days it swelled to an awful size, turning green and black,

when * * * famous salve was recommended, drawing out all the poison and making a complete cure * * * 6 years old, daughter of * * * who was badly burned by fire. The burn was over twelve inches long and eight inches wide and very deep. For six weeks Lizzie was unable to raise her limb from her stomach. It seemed to be set as she lay in this position so long. Five weeks from the day * * * started to use * * * salve on his daughter she was completely cured. I had blood poison in my thumb twice, and I used nothing but * * * Then my little girl scalded both her limbs, and we again called. * * * My mother had carbuncles which doctors lanced; she had no relief until using * * *. They immediately began to heal, and in a short time she was entirely well. * * * advise anyone suffering from any kind of sores and soreness to use * * * immediately. * * * who was covered all over the head, face, body and limbs with the most terrible kind of sores and unbearable itching for over two years. The parents tried every remedy possible, and best physicians, but got no relief until they used * * * had the skin and flesh burnt completely off her hand and arm from gasoline fire but * * * was used and completely cured her. * * * had 14 abscesses on hip and legs for 4 years. Operated on many times at best hospitals. Unable to stand alone or sleep until he used * * * which gave him immediate relief and completely cured him."

On February 28, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18045. Misbranding of Resor-Bisnol. U. S. v. Thirty 1-Ounce Bottles, et al. of Resor-Bisnol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25882. I. S. No. 12088. S. No. 4027.)

Examination of a drug product known as Resor-Bisnol, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On or about February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty 1-ounce bottles, two 4-ounce bottles, and two half-pound bottles of Resor-Bisnol remaining in the original unbroken packages at Denver, Colo., consigned by the Burrough Bros. Manufacturing Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., in part on January 3, 1930, and in part on January 23, 1930, and had been transported from the State of Maryland into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resorcin, a bismuth compound, beta-naphthol, salicylic acid, and gallic acid.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Gastro-Intestinal Antiseptic, * * * Antidiarrhoeal * * * Dose * * * Acute Diarrhoeas * * * Intestinal Dyspepsia, etc., * * * For Children in Acute Diarrhoeas * * * Indicated in Dyspepsia and Indigestion, Gastro-Intestinal Fermentation * * * Nausea and Persistent Vomiting, Pyrosis, Castralgia, Entero-Colitis, Cholera Infantum, Intestinal disturbances of Typhoid and Tuberculosis, Ulcer of Stomach, Bacillary and Choleric diarrhoea, and all Catarrhal and Inflammatory conditions of Gastro-Intestinal tract. Especially valuable in Dysentery and Diarrhoea."

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18046. Adulteration and misbranding of ether. U. S. v. One Hundred 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product released to Federal Government. (F. & D. No. 25891. I. S. No. 27851. S. No. 4151.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred 1-pound cans of ether, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Solvents & Chemical Corporation, Albany, N. Y., alleging that the article had been shipped from Albany, N. Y., on or about October 27, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading.

On February 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Federal Coordinating Service.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18047. Misbranding of white pine and tar compound. U. S. v. 72 Bottles of White Pine and Tar Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25886. I. S. No. 5746. S. No. 4132.)

Examination of a drug product, known as white pine and tar compound, from the shipment herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bottles of white pine and tar compound, alleging that the article had been shipped by Frederick Stearns & Co., Detroit, Mich., on or about January 3, 1931, to Aguadilla, P. R., and that it was being sold and offered for sale in Porto Rico by Jose Ferrari, Aguadilla, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, antimony and potassium tartrate, pine tar, extracts of plant drugs, chloroform, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels of the product, regarding its curative and therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Coughs * * * Hoarseness, Bronchitis and certain minor Pulmonary Affections;" (carton, translation from Spanish portion of label) "For the alleviation of Cough, Catarrh, Bronchitis, Hoarseness, Sore Throat and other irritations of the throat and respiratory tract;" (bottle label, practically all in Spanish) "For Cough, Catarrh, Bronchitis, Hoarseness, Sore Throat and other irritations of the Throat and Respiratory Tract."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18048. Misbranding of Neutrone "99." U. S. v. 10 Bottles, Large Size, et al., of Neutrone "99." Default decree of condemnation and destruction. (F. & D. No. 25968. I. S. Nos. 28143, 28144. S. No. 4219.)

Examination of a drug product, known as Neutrone "99," from the shipments herein described having shown that it contained drugs which might impair the stomach; that it contained less alcohol than declared on the label; and that the package label, wrapper, and inclosed circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On February 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 large-sized bottles and 22 small-sized bottles of Neutrone "99" at Pittsburgh, Pa., alleging that the article had been shipped by the

Kells Co. (Inc.), from Newburgh, N. Y., on or about November 11, 1930 (and May 26, 1930), and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of sodium salicylate (6.9 to 7.4 per cent), potassium iodide (0.2 per cent), a small proportion of an iron compound, extracts of plant drugs including colchicum and laxative drugs, alcohol (less than 4 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement, "Not in Excess of 9% Alcohol by Volume," appearing on the wrapper and bottle label, was false and misleading in that the said statement led the purchaser to believe that the article contained approximately 9 per cent of alcohol, whereas it contained less than 4 per cent of alcohol. Misbranding was alleged for the further reason that the statement on the bottle label, "Does not * * * impair the stomach," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was not correct. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "For Rheumatism * * * formula of a Specialist as used successfully in his treatment of Rheumatism, Gout, and all conditions of that nature. * * * is successfully known for the radical removal of Rheumatic conditions. * * * scientific combination of Rheumatic reducing elements and is dependable to produce results from the fact that it aims at Rheumatism as a disease of the blood * * * is a remedy internally treating Rheumatism as a constitutional disease by its general action through the blood. It acts particularly on Acute, Inflammatory and Chronic Rheumatism, whether in the muscles or in the joints;" (circular) "Rheumatism is a Deeply Rooted Disease. It takes a long time to develop and you cannot get rid of it in a day, * * * After taking * * * for a short time and experiencing its benefits, do not jump to the conclusion that your rheumatism is cured because the pain has stopped. * * * If you stop treatment too soon you may suffer a return of your rheumatism because it has not been Thoroughly driven from your system. To Be on the Safe Side, continue taking * * * for a little while after the last symptom of rheumatism disappears, simply as a safeguard against a return of your old enemy. Furthermore, if Yours Is a Severe, Chronic Case of Rheumatism, * * * Bear in mind what a stubborn ailment rheumatism is and how its poisons permeate the system and you will realize that in a longstanding case of chronic rheumatism it takes time to accomplish material benefits. Your case may be so severe as to require three or six or even more bottles;" (wrapper) "For Rheumatism."

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18049. Misbranding of Kinoloids. U. S. v. 21 Packages of Kinoloids. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26017. I. S. No. 27735. S. No. 4278.)

Examination of a drug product, known as Kinoloids, from the shipment herein described having shown that the carton label and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On or about March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 packages of Kinoloids, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Georgian Pharmacal Co., from Atlanta, Ga., on or about February 12, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of quinine, boric acid, an iodine compound, and cocoa butter.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Prophylactic and Preventive;" (circular) "Prophylactic * * * Preventive * * * Kinoloids * * * they have become the remedy of choice in all vulvo-vaginal discharges. Kinoloids are used successfully in the treatment of all inflammatory diseases of the vaginal tract and female genative organs, such as Vaginitis, Pruritus (intense itching of the parts), Leucorrhoea (whites), Endo-Metritis, Ammenorrhoea (suppression), Dysmenorrhoea (painful periods), Menorrhagia (bleeding), Ovaritis (inflammation), etc. etc., but are especially recommended as a sanitary measure to keep the parts in a healthy condition, prevent vaginal and venereal diseases and to eliminate those offensive odors that are at times so objectionable and embarrassing. Diseases of the vaginal tract are indicated by unnatural discharges. A prompt use of Kinoloids upon the first appearance of such discharges will bring immediate relief and prevent running into a chronic condition thus precluding the possibility of more serious complications. As a preventive of venereal diseases Kinoloids may be faithfully relied upon, being far superior to any other known method of protection and containing no poisons of any description. * * * quickly healing in all disorders of the vaginal tract. * * * Leucorrhoea (Whites) * * * Introduce a Kinoloid well up into the vagina upon retiring and follow upon rising with a warm borax douche. Repeat nightly until the disease is arrested, then use Kinoloids several times a week to prevent a return of the trouble. * * * Inflammatory Diseases—such as Vaginitis, Pruritus (intense itching of parts), Endo-Metritis, Ammenorrhoea, Dysmenorrhoea, Menorrhagia, Ovaritis, etc., will respond promptly to the Kinoloid treatment. * * * Piles * * * To Prevent Venereal Diseases—Introduce a Kinoloid well up into the vagina and allow to remain about a minute. While an after douche is not necessary * * * If any venereal disease has already been contracted, Kinoloids will prove of great relief, and some cases are on record where permanent relief has been given."

On April 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18050. Adulteration and misbranding of ether. U. S. v. Ten ¼-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25952. I. S. No. 28025. S. No. 4206.)

Examination of samples of ether from the shipment herein described having shown that peroxide, a decomposition product, was present in the article, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

On February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ten ¼-pound cans of ether, remaining in the original unbroken packages at Reading, Pa., consigned by Merck & Co. (Inc.), Rahway, N. J., alleging that the article had been shipped from Rahway, N. J., on or about December 16, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia U. S. P.," was false and misleading.

On March 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 18026-18050

	N. J. No.		N. J. No.
Alkaline and antiseptic tablets:		Lorty antiseptic tooth paste:	
Wyeth, J., & Bro-----	18036	Allen, B. F., & Co-----	18034
Campbell's, Dr. James P., Safe ar-		Menthol inhalers:	
senic complexion wafers:		Coeur Azur Co-----	18035
McCullough Drug Co-----	18031	Neutrone "99":	
Cherry's Famous salve:		Kells Co-----	18048
Cherry, W. E-----	18044	Prescription No. 3913 for rheuma-	
Clay Pine:		tism:	
Clay Pine Products Co-----	18040	Platt, C. H-----	18030
Ergot of rye:		Pyor-Heal:	
-----	18029	Brander Co-----	18032
Ether:		Q-623:	
American Solvents & Chemi-		Loewy Drug Co-----	18028
cal Corporation-----	18033, 18046	Resor-Bisnol:	
Mallinckrodt Chemical Works	18026	Burrough Bros. Manufactur-	
Merck & Co--- 18027, 18039, 18050		ing Co-----	18045
Jarabe de Kofressi Contra el Reu-		Simmons' cough syrup:	
matismo:		Allied Drug Products Co-----	18037
Drug Co. of Porto Rico-----	18042	Stretch's balsam wild cherry and	
Ferrari, Jose-----	18038	horehound:	
Kinoloids:		Blauth, J. D., Estate-----	18041
Georgian Pharmacal Co-----	18049	White pine and tar compound:	
Livingston's, Dr., Regenerator:		Stearns, F., & Co-----	18047
Livingston Medicine Co-----	18043	Ferrari, Jose-----	18047

LIBRARY
RECEIVED
★ SEP 22 1931
U. S. Department of Agriculture

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18051-18100

[Approved by the Secretary of Agriculture, Washington, D. C., August 19, 1931]

18051. Adulteration and misbranding of Vitalex. U. S. v. 358 Dozen Packages of Vitalex. Decree of condemnation and forfeiture. Product released under bond. (F. D. No. 25950. I. S. No. 8979. S. No. 4180.)

Examination of a drug product, known as Vitalex, from the shipment herein described having shown that it was represented as containing vitamin D, whereas it was worthless as a source of vitamin D, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 358 dozen packages of Vitalex at Baltimore, Md., alleging that the article had been shipped from Buffalo, N. Y., on or about February 18, 1931, via the Universal Carloading & Distributing Co., and had been transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "To which are added Vitamins * * * D."

Analysis of a sample of the article by this department showed that it consisted essentially of caffeine, salicylic acid, benzoic acid, extracts of plant drugs including glycyrrhiza, senna, aloe, and wild cherry, a small proportion of strychnine, alcohol, water, and flavoring oils. Biological examination showed that the article was worthless as a source of Vitamin D.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, in that it contained no vitamin D.

Misbranding was alleged for the reason that the statement, "To which are added Vitamins * * * D," appearing on the carton, was false and misleading.

On April 10, 1931, the Chemicals & Drugs (Inc.), Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18052. Misbranding of Var-ne-sis for rheumatism. U. S. v. 9 Bottles of Var-ne-sis for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25916. I. S. No. 15373. S. No. 4127.)

Examination of a drug product, known as Var-ne-sis for rheumatism, having shown that the bottle and carton label and accompanying mailing card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the Southern District of New York the herein-described shipment of a quantity of the product located in New York, N. Y.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine bottles of Var-ne-sis for rheumatism, remaining in the

original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Var-ne-sis Co., from Lynn, Mass., on or about December 24, 1930, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, extracts of plant drugs including glycyrrhiza, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * Unequaled as a System Purifier;" (carton) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * recommended to you by Hundreds of former Rheumatic sufferers * * * Tone up the System, Build up the General Health, Drive Poison From the System Through the Natural Channels of the Body, Keep the Organs of the Body Functioning as They Were Designed to Function and Much Disease Will Be Avoided;" (mailing card) "Conquers Rheumatism."

On March 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18053. Misbranding of Var-ne-sis for rheumatism. U. S. v. 49 Bottles of Var-ne-sis for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25917. I. S. No. 16002. S. No. 4129.)

Examination of a drug product, known as Var-ne-sis for rheumatism, having shown that the bottle and carton label and accompanying mailing card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the District of Maryland the herein-described shipment of a quantity of the product located in Baltimore, Md.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 bottles of Var-ne-sis, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Var-ne-sis Co., from Lynn, Mass., on or about December 6 and December 27, 1930, and had been transported from the State of Massachusetts into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, extracts of plant drugs including glycyrrhiza, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Rheumatism Such as Sciatic, Lumbago, Muscular Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * Unequaled as a System Purifier;" (carton) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * Recommended to You by hundreds of former Rheumatic Sufferers. * * * Tone up the System, Build up the General Health, Drive Poison From the System Through the Natural Channels of the Body, Keep the Organs of the Body Functioning as They Were Designed to Function and Much Disease Will Be Avoided;" (mailing card) "Conquers Rheumatism."

On March 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18054. Misbranding of Marshall's cubeb cigarettes. U. S. v. 35¼ Dozen Packages of Marshall's Cubeb Cigarettes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25934. I. S. No. 5091. S. No. 4092.)

Examination of a product, known as Marshall's cubeb cigarettes, from the shipment herein described having shown that the carton label and accompanying circular and display carton bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On February 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35¼ dozen packages of Marshall's cubeb cigarettes, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by James B. Horner (Inc.), from New York, N. Y., on or about December 10, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of cigarettes made of coarsely ground cubeb.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small carton) "For Catarrh, Hay Fever * * * Headache, Asthma, Diseases of the Throat, &c. &c. * * * For all Throat Diseases, Asthma, Bronchitis, etc., inhale the smoke, taking it into the lungs; and immediate relief will follow. * * * For Catarrhal Headache they are without a rival;" (small package circular) "A Remedy for Catarrh. * * * Asthma, Hay Fever; All Diseases of the Throat; Foul Breath, etc;" (display carton) "For Catarrh, * * * Asthma, Hay Fever, Throat Diseases, Foul Breath, Etc."

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18055. Adulteration and misbranding of Galpin's antiseptic vaginal suppositories. U. S. v. 4½ Dozen Boxes of Galpin's Antiseptic Vaginal Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25901. I. S. No. 8159. S. No. 4091.)

Examination of a drug product, known as Galpin's antiseptic vaginal suppositories, from the shipment herein described having shown that the article was not antiseptic, and that the package label and inclosed leaflet contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On February 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four and one-third dozen boxes of Galpin's antiseptic vaginal suppositories at Memphis, Tenn., alleging that the article had been shipped by H. T. Galpin (Inc.), from Amityville, Long Island, N. Y., on or about July 26, 1930, and had been transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a base of theobroma oil containing ammonium alum, boric acid, and a quinine compound.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality of "Antiseptic," stated on the label.

Misbranding was alleged for the reason that the following statement appearing on the label was false and misleading: "Antiseptic Vaginal Suppositories." Misbranding was alleged for the further reason that the following statements on the package label and in the inclosed leaflet, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "For the Diseases of Women. A harmless and reliable treatment for disordered and disturbed conditions of the womb and

other female organs. Of great value in Leucorrhœa and other local inflammatory conditions of the Vagina;" (leaflet) "Leucorrhœa.—Referable to local congestion and inflammation of the womb, mainly around its neck, called the Cervix. * * * According to the severity of the disease use one cone every twelve or twenty-four hours. In the beginning of the treatment, when there is much erosion or ulceration, the action of the cone may cause some smarting, but after a few days' treatment and the recovery has begun, this will disappear. Preventive of Diseases.—These Suppositories * * * have a strong tendency to prevent infective diseases of the genito-urinary tract, * * * Painful menstruation not due to mechanical causes and a faulty position of uterus and cervix. Use one cone every night, * * * Malignant Diseases.—While these cones have no curative effect in these conditions, * * * helping her general health."

On March 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18056. Misbranding of Hydras. U. S. v. 4 Dozen Bottles, et al., of Hydras. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25937. I. S. No. 20103. S. No. 4181.)

Examination of a drug product, known as Hydras, from the shipment herein described having shown that the bottle label and the circular accompanying a portion of the article contained statements representing that it possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three hundred and twenty 8-ounce bottles and twenty-two 1-quart bottles of Hydras, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by John Wyeth & Bro., from Philadelphia, Pa., in various consignments, on or about December 26, 1930, January 5, January 6, January 9, January 19, January 23, January 26, February 4, and February 13, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including hydrastis, alcohol, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Indicated in treatment of Dysmenorrhea, Menorrhagia. Anti-Abortive * * * Directions—For dysmenorrhea, suppressed menses, etc. * * * To relieve pain due to uterine disorders, a dessert-spoonful;" (circular accompanying 8-ounce size) "Dysmenorrhea, Menorrhagia, Anti-Abortive * * * A valuable preparation to the physician in the treatment of dysmenorrhea, colic, cramps, spasm, palpitation incident to pregnancy, and the various pains resulting from diseases of the female sexual organs. In the dysmenorrhea of young girls due to some mechanical difficulty, as antelexion or of a congestive character, of suppressed menses from exposure to cold and other causes of a similar character, Hydras will prove efficient and can be administered freely without danger. It will arrest abortion when threatened and prevent it when habitual, and is serviceable in congestive headache, in the nervous and hysterical disturbances connected with dysmenorrhea, in congestion of the uterus and uterine disorders characterized by loss of blood. * * * Directions.—In dysmenorrhea, * * * In the sympathetic neuroses connected with menstruation * * * every three hours until relieved."

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18057. Misbranding of Var-ne-sis for rheumatism. U. S. v. 5½ Dozen Bottles of Var-ne-sis for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25907. I. S. No. 15737. S. No. 4128.)

Examination of a drug product, known as Var-ne-sis for rheumatism, from the shipment herein described having shown that the bottle and carton label and accompanying mailing card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Rhode Island.

On February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and three-fourths dozen bottles of Var-ne-sis for rheumatism, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Var-ne-sis Co., from Lynn, Mass., on or about January 10, 1931, and had been transported from the State of Massachusetts into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, extracts of plant drugs including glycyrrhiza, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Rheumatism Such as Sciatic, Lumbago, Muscular Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * Unequalled as a System Purifier;" (carton) "For Rheumatism Such as Sciatic, Lumbago, Muscular, Chronic Rheumatic Arthritis, Rheumatic Neuritis * * * Recommended to You by hundreds of former Rheumatic sufferers. * * * Tone up the System, Build up the General Health, Drive Poison From the System Through the Natural Channels of the Body, Keep the Organs of the Body Functioning as They Were Designed to Function and Much Disease Will Be Avoided;" (mailing card) "Conquers Rheumatism."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18058. Misbranding of Jarabe de Kofressi Contra el Reumatismo. U. S. v. 3½ Dozen Bottles of Jarabe de Kofressi Contra el Reumatismo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25888. I. S. No. 5744. S. No. 4134.)

Examination of the drug product herein described having shown that the carton and bottle labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On February 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three and one-half dozen bottles of Jarabe de Kofressi Contra el Reumatismo at Ponce, P. R., alleging that the article was in possession of Moscoso Hno. & Co., S en C, Ponce, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, guaiacol, extracts of plant drugs, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Translation from Spanish, carton) "For the treatment of Muscular and Acute Rheumatism, Inflammation due to Gout, Lumbago and Sciatica;" (bottle) "Anti-Rheumatic * * * for the treatment of Articular and Muscular Rheumatism, Sciatica, Inflammatory Rheumatism, all acute manifestations of Rheumatism and Gout. The best Depurative for the Impurities of the

Blood;" (circular) "Rheumatism, Under the word 'Rheumatism' there are included various affections of different nature:—First:—The acute affection in the articulations, known in medicine under the name of Acute Articular Rheumatism. Second:—The disease or maybe the series of diseases named Chronic Rheumatism, and Third:—Muscular Rheumatism. Acute Articular Rheumatism * * * there are possibilities that the inflammation may extend to the heart * * * chronic rheumatism * * * muscular rheumatism * * * treatment * * * The best thing that has proven to be of best value, as it is demonstrated by numerous testimonials of individuals that were almost crippled and that had lost all hope of living, is the discovery of the celebrated and famous Syrup Kofressi. This has been the savior of humanity * * * Anti Rheumatic Syrup Kofressi * * * about a year ago I was suffering from a terrible Rheumatic affection, accompanied by infarcts in the glands, specially those of the right armpit. This deprived me for a long time to attend to my business, because it was very difficult for me to do it on account of the pain. No longer being able to resist such terrible disease, and no alleviation having been felt with all the medicines I had taken * * * I noticed that the Rheumatism was ceasing, the gland disappeared and that a sensation of good feeling was announcing me the return of my health. * * * This I make public as a duty * * * I feel highly grateful for having returned to me the most precious gift, Health, with the best Anti-Rheumatic Specific that has ever been known."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18059. Adulteration and misbranding of ether. U. S. v. Fifty-four 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25832. I. S. No. 15718. S. No. 4059.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-four 1-pound cans of ether, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Merck & Co., from Rahway, N. J., on or about October 17, 1930, and had been transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement "Ether U. S. P.," appearing on the label, was false and misleading.

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18060. Adulteration and misbranding of fluid extract ergot. U. S. v. 14 Boxes of Ampoules No. 5 Ergot (Sterilized). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25846. I. S. No. 15816. S. No. 4076.)

Examination of samples of fluid extract ergot from the shipment herein described showed that the product had a potency per cubic centimeter equivalent to two-fifths gram of ergot, approximately two-tenths the potency declared on the label. The article was sold as a therapeutic agent for use in conditions for which fluid extract of ergot is administered, and because of low potency would have been ineffective when administered for such conditions in reliance on its declared strength. The label bore further unwarranted curative claims.

On February 3, 1931, the United States attorney, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the Southern District of New York a libel praying seizure and condemnation of 14 boxes of ampoules No. 5 ergot (sterilized), remaining unsold in the original

unbroken packages at New York, N. Y., alleging that the article had been shipped by John Wheth (Wyeth) & Bro. (Inc.), from Philadelphia, Pa., in two lots, on or about September 3, 1930, and January 5, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Ergot * * * Each 1 cc. Ampoule Contains Ergot * * * Equal to 2 Gm. Prime Ergot."

Misbranding was alleged for the reason that the following statements appearing on the carton and ampoule containing the article, and in the accompanying circular, were false and misleading: (Carton) "Ergot * * * Each 1 cc. Ampoule Contains Ergot * * * Equal to 2 Gm. Prime Ergot;" (ampoule) "Ergot * * * Equal to 2 Gm. Prime Ergot;" (circular) "Extract Ergot, 1 cc. representing 2 Gm. of Prime Ergot." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Used in Uterine Inertia, Metrorrhagia, Menorrhagia, Pulmonary Hemorrhage, Post-partum Hemorrhage;" (circular) "Used in uterine inertia, metrorrhagia, menorrhagia, pulmonary hemorrhage, post-partum hemorrhage, etc."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18061. Misbranding of Bafaline lotion, Bafaline dental cream, and Bafaline dental powder. U. S. v. 1 Dozen Bottles of Bafaline Lotion, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25640, 25641, 25642. I. S. Nos. 12037, 12038, 12039. S. No. 3841.)

Examination of samples of the drug products from the shipments herein described having shown that the lotion and dental cream were represented as possessing antiseptic and germicidal properties, whereas they did not possess antiseptic and germicidal properties when used as directed, and that the labels of all said products bore claims of curative and therapeutic properties which were not justified by the composition of the articles, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On January 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one dozen bottles of Bafaline lotion, one dozen tubes of Bafaline dental cream, and one dozen packages of Bafaline dental powder, remaining in the original unbroken packages at Denver, Colo., consigned by the Bafaline Laboratories (Inc.), Manchester, N. H., on or about February 11, 1930, alleging that the articles had been shipped from Manchester, N. H., in interstate commerce into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Bafaline lotion consisted essentially of a zinc compound, sodium benzoate, a trace of alkaloids, alcohol, water, and flavoring material. Bacteriological examination showed that it was not antiseptic nor germicidal when diluted with an equal volume of water as directed on the labeling. The Bafaline dental cream consisted essentially of calcium carbonate, sodium benzoate, a magnesium compound, a borate, and flavoring material. Bacteriological examination showed that the article was not antiseptic. The Bafaline dental powder consisted essentially of sodium perborate, calcium carbonate, a magnesium compound, and flavoring material.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Bafaline lotion, carton) "Tonsillitis * * * Sore Throat, * * * Pyorrhea * * * Sore Mouth, * * * Aids in Treatment of Pyorrhea Heals tender, bleeding * * * prevents diseases. * * * prevents infection;" (Bafaline lotion,

bottle label) "For the prevention and treatment of Pyorrhea and Trench Mouth * * * prophylactic and preventive; * * * Pyorrhea, Trench Mouth, Tender Bleeding and Receding Gums. * * * Tonsillitis or Sore Throat. * * * Sore Mouth before * * * extraction. * * * For Pyorrhea, Trench Mouth, Bleeding and Receding Gums in conjunction with Bafaline Lotion. Bafaline Dental Powder * * * Bafaline Users * * * are protected from contagious diseases and bodily ills;" (Bafaline lotion, small circular) "For * * * Tonsillitis, Sore Mouth, Sore Throat;" (large circular) "Prescribed by Dentists as a Home Treatment for Bleeding Gums, Pyorrhea and Trench Mouth * * * Prevents Infection. A Prophylactic * * * Mouth and Tooth Wash * * * Pyorrhea * * * To prevent reinfection, rinse the mouth three times daily with Bafaline Lotion, preferably after brushing the teeth. * * * for the prevention of wound infections, such as blood poisoning. * * * it sterilizes the mouth in $\frac{1}{4}$ of a minute. * * * Prevent contagious diseases, use 'Bafaline' daily as a mouth wash, gargle or spray. * * * During Epidemics Guard the throat, gargle or spray daily with 'Bafaline Lotion';" (Bafaline dental cream, carton) "Checks acid fermentation which is the cause of tooth decay, bleeding gums and pyorrhea;" (Bafaline dental powder, circular) "Highly recommended in the Prevention and Treatment of * * * Pyorrhea, Hypertrophy, Spongy and Bleeding Gums * * * Prevents and Checks Pyorrhea, * * * it stimulates a normal flow of alkaline saliva * * * the chief cause of tooth decay, spongy, bleeding gums and Pyorrhea."

In addition to the above misbranding charge this department recommended that it be charged that the dental cream was adulterated in that its strength fell below the professed standard under which it was sold, since it was stated on the carton that it was antiseptic, whereas it was not; also that the lotion and dental cream were misbranded in that the following statements on the bottle label of the Bafaline lotion, "Antiseptic Germicidal * * * use with warm water in equal parts * * * use two to four tablespoonfuls to a quart of hot water," and the following statements on the carton of the Bafaline dental cream, "Possessing * * * antiseptic * * * qualities," were false and misleading.

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18062. Adulteration and misbranding of ether. U. S. v. 38 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25857. I. S. No. 8275. S. No. 4098.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On February 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 cans of ether, remaining in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about November 21, 1930, and had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the labels, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On March 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18063. Misbranding of Pike's Centennial salt rheum salve. U. S. v. 10½ Dozen Boxes of Pike's Centennial Salt Rheum Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25873. I. S. No. 20177. S. No. 4116.)

Examination of a drug product, known as Pike's Centennial salt rheum salve, from the shipment herein described having shown that the carton and box labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10½ dozen boxes of Pike's Centennial salt rheum salve, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. J. Pike & Co., from Chelsea, Mass., on or about November 29, 1930, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum containing a small proportion of sassafras oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and metal box) "Salt Rheum Salve;" (circular) "For Salt Rheum * * * For Corns, Bunions, Chilblains, Sore Heels, Ingrowing Nails * * * Sore Gums or Canker. * * * For Teething Children * * * For Diphtheria, * * * Salt Rheum Salve."

On March 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18064. Adulteration and misbranding of solution citrate of magnesia. U. S. v. The Sterling Magnesia Co. (Inc.). Plea of guilty. Fine, \$500. (F. & D. No. 25688. I. S. Nos. 014207, 03518, 016476.)

Examination of samples of solution citrate of magnesia from the shipments herein described having shown that the article contained less citric acid than provided by the United States Pharmacopoeia, and that the bottles containing a portion of the article contained less than the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Sterling Magnesia Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, from the State of New York into the State of Texas on or about April 27, 1929; from the State of New York into the State of New Jersey on or about July 3, 1929; and from the State of New York into the State of Pennsylvania on or about September 5, 1929, of quantities of solution citrate of magnesia which was adulterated and misbranded.

A portion of the article was labeled in part: (Blown on bottle) "'Sterling' SMC Solution Citrate of Magnesia The Sterling Magnesia Company New York Newark Chicago;" (bottle cap) "Solution Citrate of Magnesia U. S. P. SMC Cont. Approx. 11½ Fl. Oz." A portion was labeled in part: (Blown on bottle) "Solution Citrate Magnesia;" (bottle cap) "Solution Citrate of Magnesia U. S. P. SMC Cont. Approx. 11½ Fl. Oz." A portion was labeled in part: (Bottle label) "Effervescing Solution of Citrate of Magnesia U. S. P."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that the pharmacopoeia provided that 10 cubic centimeters of solution of magnesium citrate should contain total citric acid corresponding to 28 cubic centimeters of half normal sulphuric acid, whereas the said article contained in 10 cubic centimeters total citric acid corresponding to less than 28 cubic centimeters of half normal sulphuric acid, the three consignments contain-

ing total citric acid corresponding to 25.36 cubic centimeters, 25.4 cubic centimeters, and 26.7 cubic centimeters, respectively, of half normal sulphuric acid per 10 cubic centimeters of the article. Adulteration was alleged with respect to a portion of the product for the further reason that it contained free citric acid corresponding to less than 9.5 cubic centimeters of half normal sodium hydroxide, namely, not more than 8.96 cubic centimeters of half normal sodium hydroxide, whereas the pharmacopoeia provided that solution of magnesium citrate should contain free citric acid corresponding to 9.5 cubic centimeters of half normal sodium hydroxide, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged with respect to the said portion of the article for the further reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be solution citrate of magnesia which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statements, "Solution Citrate of Magnesia U. S. P. * * * Cont. Approx. 11½ Fl. Oz.," borne on the caps of the bottles containing a portion, and the statement, "Solution of Citrate of Magnesia U. S. P.," borne on the label of the bottles containing the remainder of the said article, were false and misleading in that the said statements represented that the article was solution citrate of magnesia which conformed to the standard laid down in the United States Pharmacopoeia, and that each of the bottles containing a portion of the article contained approximately 11½ fluid ounces thereof, whereas the said article was not solution citrate of magnesia which conformed to the standard laid down in the said pharmacopoeia, and the bottles containing the said portions contained less than 11½ fluid ounces thereof.

On March 9, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18065. Misbranding of Potasafras. U. S. v. 24 Bottles, et al., of Potasafras. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25807. I. S. No. 12040. S. No. 3859.)

Examination of samples of a drug product, known as Potasafras, from the shipment herein described having shown that the bottle and carton labels and accompanying circular and booklet contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On January 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 bottles, \$1.50 size, and 24 bottles, \$2.50 size, of Potasafras, remaining in the original unbroken packages at Denver, Colo., consigned by the Columbus Chemical Corporation, Columbus, Ohio, alleging that the article had been shipped from Columbus, Ohio, on or about September 26, 1930, and transported from the State of Ohio into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, compounds of sodium and magnesium, sulphates, a trace of phosphate, benzoic acid, extracts of plant drugs including glycyrrhiza, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statement appearing on the carton of the product was false and misleading: "We guarantee that it complies in every respect to all National, State and Territory Pure Food and Drug Laws." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Essentially, a Blood Corrective (Toxine Eliminant) * * * A Constitutional Medicine;" (carton) "Properties Essentially, a Blood Corrective (Toxine Eliminant) * * * A Constitutional Medicine;" (yellow circular entitled "Directions") "To get best results from Potasafras, take no other medicine. (The foregoing applies, regardless of what your trouble may be.) Symptoms—which arise from Potasafras, naturally vary greatly in different diseases and conditions. When the trouble is in the throat, lungs or bronchial tubes, coughing and expectora-

tion usually increases very much. It is simply Nature's way of throwing off the poisoned and disease waste matter. General Symptoms—which may result, regardless of the trouble for which you may be taking Potasafras, are drowsiness, slight headache, dizziness. * * * Potasafras will help you if your trouble originated, or has any connection with your blood so as to require an alternative treatment—thousands upon thousands are suffering with various symptoms, little realizing that the seat of their trouble lies in the blood;" (booklet entitled "At Last") "Thousands upon thousands are in a nervous debilitated condition although apparently free from organic trouble—the results from this class of cases often seems almost incredible. * * * As a Tonic, * * * (Particularly effective when one has not fully recovered from La-grippe.) Potassium Iodide—The medical world recognizes its value in the treatment of every disease for which Potasafras is intended including—Catarrh and Arterio Sclerosis, neither of which have we mentioned, although our records show many remarkable cases. * * * [p. 3] Potasafras will help you regardless of whether you are suffering from Blood Trouble, Asthma, Hay Fever, or Rheumatism, etc. * * * provided your trouble is connected with your blood so as to require an alternative treatment. * * * [p. 4] For Conditions, Viz. Blood Trouble * * * produces such remarkable results that it has justly earned the title 'The Miracle Medicine.' Asthma and Hay Fever * * * Dr. Knapp Says: 'To have Asthma, one must have a bad constitution, a bad constitution means bad blood, and bad blood, bad digestion,' all of which substantiates our claims to the very letter, as Potasafras goes directly to the seat of the trouble through the blood. (Stomach condition usually improves rapidly.) Lung Trouble—No medicine will cure tuberculosis, but the world's authorities agree as to the value of any thing tending to build up the blood—sufferers who have tried various treatments often verily shout the praises of Potasafras. Rheumatism."

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18066. Misbranding of Athlophoros Searles' remedy for rheumatism. U. S. v. 78 Bottles of Athlophoros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25505. I. S. No. 11972. S. No. 3771.)

Examination of samples of the herein-described drug product having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the following shipments of a quantity of the article located in Denver, Colo.

On December 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 78 bottles of Athlophoros Searles' remedy for rheumatism, remaining in the original unbroken packages at Denver, Colo., consigned in part by the Athlophoros Co., Pomfret Center, Conn., and in part by the Williams Manufacturing Co., Cleveland, Ohio, alleging that the shipment had been made from Pomfret Center on or about May 20, 1930, and that the shipment from Cleveland had been made on or about November 15, 1930, and that the article had been shipped in interstate commerce into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (14.5 grams per 100 cubic centimeters), colchicine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle labels) "Remedy for Rheumatism and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache," (circular) "This remedy goes to the root of the disease. It operates on the blood, muscles and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and

intensity of the disease and the patient. * * * Diet.—In cases of Acute Rheumatism * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief, should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During Pregnancy reduce dose as follows: * * * Chronic and Complicated Cases—From the time Athlophoros was first offered to the public, we have solicited, from those who have used it, frank statements of their experience with the remedy; and we have received many thousand letters bearing grateful testimony to its wonderful curative powers."

On February 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18067. Adulteration and misbranding of ether. U. S. v. 22 Half-Pound Cans and 32 Quarter-Pound Cans of Ether for Anesthesia U. S. P. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25847. I. S. Nos. 5089, 5090. S. No. 4078.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 half-pound cans and 32 quarter-pound cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., in part on or about February 1, 1930, and in part on or about October 20, 1930, and had been transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia—U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia—U. S. P.," was false and misleading.

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18068. Misbranding of cubeb cigarettes. U. S. v. 5 Dozen Boxes of Prime Cubeb Cigarettes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25852. I. S. No. 9757. S. No. 4079.)

Examination of cubeb cigarettes from the shipment herein described having shown that the label of the package bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On February 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five dozen boxes of cubeb cigarettes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Superior Medicated Products Corporation, from New York, N. Y., on or about October 18, 1930, and had been transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of cigarettes made of coarsely ground cubeb.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Package) "A sure relief for Catarrh, Asthma, Hay Fever, Headache * * * and all Diseases of the Nose and Throat. * * * peculiar efficacy in acute and chronic diseases of the nose and throat."

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18069. Misbranding of Bafaline lotion. U. S. v. 8 Dozen Bottles of Bafaline Lotion. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25796. I. S. No. 9297. S. No. 4019.)

Examination of a drug product, known as Bafaline lotion, from the shipment herein described having shown that the carton and bottle labels and the accompanying circulars contained statements representing that the article possessed curative and therapeutic properties which it did not possess, and that it was also represented to be an antiseptic and germicide, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On January 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight dozen bottles of Bafaline lotion, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the Bafaline Laboratories, Manchester, N. H., on or about January 8, 1930., and had been transported from the State of New Hampshire into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of benzoic acid, sodium borate, zinc phenolsulphonate, a trace of alkaloids, alcohol, water, and flavoring material. Bacteriological examination showed that the article was not antiseptic nor germicidal when diluted with an equal volume of water as directed on the labeling.

It was alleged in the libel that the article was misbranded in that the statements, "Antiseptic Germicidal * * * use with warm water in equal parts * * * Use two to four tablespoonfuls to a quart of hot water," borne on the bottle label, were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tonsilitis * * * Sore Throat * * * Pyorrhea * * * Sore Mouth, * * * Aids in Treatment of Pyorrhea, Heals Tender Bleeding Gums * * * prevents diseases. * * * prevents infection;" (bottle) "For the prevention and treatment of Pyorrhea and Trench Mouth * * * Prophylactic and preventative * * * Pyorrhea, Trench Mouth, Tender Bleeding and Receding Gums. * * * Tonsilitis or Sore Throat. * * * Sore Mouth before * * * extraction. * * * For Pyorrhea, Trench Mouth, Bleeding and Receding Gums in conjunction with Bafaline Lotion * * * Bafaline Dental Powder * * * Bafaline Users * * * are protected from contagious diseases and bodily ills;" (small circular) "For * * * Tonsilitis, Sore Mouth, Sore Throat;" (large circular) "Prescribed by Dentists as a Home Treatment for Bleeding Gums, Pyorrhea and Trench Mouth. * * * Prevents Infection, A Prophylactic * * * Mouth and Tooth Wash * * * Pyorrhea * * * To prevent reinfection, rinse the mouth three times daily with Bafaline Lotion, preferably after brushing the teeth. * * * for the prevention of wound infections, such as blood poisoning * * * it sterilizes the mouth in $\frac{1}{4}$ of a minute. * * * Prevent contagious diseases, use 'Bafaline' daily as a mouth wash, gargle or spray. * * * During Epidemics Guard the Throat, gargle or spray daily with 'Bafaline Lotion.'"

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18070. Adulteration and misbranding of ether. U. S. v. Ninety 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25831. I. S. No. 5087. S. No. 4058.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ninety 1-pound cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Solvents & Chemical Corporation, from Albany, N. Y., on or about January 8, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P. X.," was false and misleading.

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18071. Misbranding of Osmo Kaolin. U. S. v. 28 Packages of Osmo Kaolin (Morson). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25824. I. S. No. 5742. S. No. 4047.)

Examination of an alleged drug product, known as Osmo Kaolin (Morson), from the shipment herein described having shown that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 packages of Osmo Kaolin (Morson) at San Juan, P. R., alleging that the article had been shipped by E. Fougere & Co. (Inc.), New York, N. Y., on or about December 12, 1930, to Porto Rico, and that it was being offered for sale and sold in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of clay.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Internal * * * is invaluable in the treatment of disorders arising from intestinal infection by bacteria, the toxins of which it has the power of absorbing to a remarkable degree. In this manner, the elimination of these toxins is readily, quickly and safely accomplished without harm to the system. It has been successfully used in the treatment of dysentery, cholera, diarrhoea, ulcerative colitis, rheumatism and gout and in intestinal stasis with its resulting toxæmias * * * is employed in the preparation of Cataplasmata to remove oedema, relieve the pain and swelling of local inflammation, etc. In its dry state it is used to absorb irritant discharge."

On March 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18072. Misbranding of Dr. Herst's intestinal cleanser. U. S. v. 88 Packages of Dr. Herst's Intestinal Cleanser. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25821. I. S. No. 11960. S. No. 3751.)

Examination of a sample of a drug product, known as Dr. Herst's intestinal cleanser, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic

properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On February 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 88 packages of Dr. Herst's intestinal cleanser, remaining in the original unbroken packages at Denver, Colo., consigned by the Health Food Laboratories, Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about May 12, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ground plant material including senna, alfalfa, glycyrrhiza, chamomile, and anise.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Intestinal Cleanser Prepared for the Treatment of Constipation, Acidosis, Colitis, Stomach and Intestinal Troubles. A Non-Gripping Natural Cleanser * * * Compounded * * * for the purpose of thoroughly cleansing the intestines and colon of all poisonous waste material. Dr. Herst's intestinal cleanser has * * * action with no * * * harmful effect. * * * In chronic constipation * * * Life, Health, Energy."

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18073. Misbranding of antiseptic Konoids. U. S. v. 19 Dozen Packages of Antiseptic Konoids. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25800. I. S. No. 19803. S. No. 4014.)

Examination of a drug product, known as antiseptic Konoids, from the shipment herein described having shown that the box label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess and that it was labeled as complying with the Federal food and drugs act, whereas it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On January 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 dozen packages of antiseptic Konoids, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the Konoid Co., from New Orleans, La., on or about September 10, 1930 (part shipped about October 11, 1930), and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of tannin, salicylic acid, and boric acid in a base of theobroma oil.

It was alleged in the libel that the article was misbranded in that the following statement appearing on the box containing the said article, was false and misleading: "Guaranteed * * * under the Food and Drugs Act, June 30, 1906, Serial No. 35246." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box) "Effective * * * Treatment for many forms of Female Disturbances;" (circular) "Treatment in Female Disturbances, such as leucorrhoea, catarrhus, purulent and infectious secretions, inflammation of the genital organs, pruritus vulvae and kindred affections. * * * beneficial in self treatment of local disorders. * * * They are made of * * * medicaments, which restore and preserve a healthy and vigorous condition of the genital organs, thereby imparting vitality to the whole system. Relaxed muscles and enervated tissues are toned up and strengthened, inflammation is subdued, * * * Leucorrhoea in a virulent and acrimonious state is infectious, not to mention other diseases communicable by inoculation. As a remedy the use of Konoids will be found to be efficacious. * * * Realizing that nine-

tenths of all the ails and aches endured by women result from disorders of the genital organs, Konoids are confidentially placed on the market as a common-sense home treatment intended to correct and minimize those evils, thus insuring future generations more healthy and perfect specimens of womanhood and consequently childhood."

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18074. Adulteration and misbranding of ether. U. S. v. One Hundred and Thirteen 1-Pound Cans, et al., of Ether. Default decree of condemnation and forfeiture. Product delivered to this department. (F. & D. No. 25780. I. S. Nos. 8946, 8947. S. No. 4018.)

Examination of samples of ether from the shipments herein described having shown that it did not conform to the United States Pharmacopoeia, since peroxide (a decomposition product) and excessive acid were found therein, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On January 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and thirteen 1-pound cans and twenty-four 5-pound cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., in various consignments, on or about November 6, November 25, and December 31, 1930, and had been transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether Purified U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia. Adulteration was alleged for the further reason that the strength and quality of the article fell below the professed standard under which it was sold, namely, "Ether Purified U. S. P."

Misbranding was alleged for the further reason that the statement on the label, "Ether Purified U. S. P. X.," was false and misleading.

On March 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for analytical purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18075. Adulteration and misbranding of Sul-Ferro-Sol. U. S. v. 20 Bottles, et al., of Sul-Ferro-Sol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25421, 25486, 25487. I. S. Nos. 3993, 14403, 14404. S. Nos. 3656, 3733, 3743.)

Examination of a sample of a drug product, known as Sul-Ferro-Sol, from one of the shipments herein described having shown that it was represented to be an antiseptic, whereas it was not, and that the carton and bottle labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On December 8 and December 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11½ dozen bottles of Sul-Ferro-Sol, remaining in the original unbroken packages in part at Macon, Ga., and in part at Columbus, Ga., alleging that the article had been shipped by the Sul-Ferro-Sol Co., from Montgomery, Ala., in various consignments, on or about June 28, June 30, and October 7, 1930, and had been transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ferrous sulphate, ferric sulphate, aluminum sulphate, calcium sulphate, traces of sodium, potassium and magnesium compounds, and phosphate, and water.

The article was labeled in part: (Bottle) "To be used as a general tonic in reviving the appetite and aiding digestion, rectifying certain forms of rheuma-

tism and lumbago, correcting subordinate diseases caused by impoverished blood such as tetter, itch, old sores, etc. Where the skin has become involved due to impoverished blood, old sores, tetter, itch, etc. Use internally as directed and in addition bathe the affected parts at least twice daily using Sul-Ferro-Sol full strength;" (carton) "Reconstructive, * * * Digestive, Anti-Rheumatic, * * * To be used as a general tonic in reviving the appetite, and aiding digestion; rectifying certain forms of rheumatism and lumbago, correcting subordinate diseases caused by impoverished blood such as * * * tetter, itch, old sores, etc.;" (circular) "General Tonic: The loss of energy and appetite clearly indicate that the system faces decline. When this condition exists, diseases are easily contracted and for this reason tonics are given in an effort to again stimulate the organs of the body to their normal functional duties. * * * Rheumatism—Lumbago. The present accepted theory is that Rheumatism results from the formation of pus cavities in the body. These cavities are usually found either on the tonsils or at the roots of the teeth. It is clearly obvious that internal medication is necessary for the absorption of any pus thus formed. The red corpuscles of the blood are direct antagonists to the germs of pus. Iron causes these red corpuscles to strengthen and multiply. Sul-Ferro-Sol being rich with a form of iron that is readily absorbed by the system, is therefore strongly recommended in the treatment of both Rheumatism and Lumbago. * * * Indigestion: As is generally known, indigestion results from the failure of the organs of the stomach to produce the necessary digestive ferments. * * * In many persistent cases, Sul-Ferro-Sol has given permanent relief. * * * Eczema, Tetter, Itch, and other forms of skin disease; Without diluting, apply Sul-Ferro-Sol to affected portions several times a day. In the treatment of such diseases it is also advised that Sul-Ferro-Sol be taken in teaspoonful doses 3 or 4 times a day in $\frac{1}{2}$ glass water."

It was alleged in the libels that the article was adulterated in that it was sold under the following standard of strength, "An Antiseptic," whereas the strength of the article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton, "Antiseptic," was false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the above-quoted statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 10 and on March 28, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18076. Misbranding of Gold Thread syrup compound A. U. S. v. 9/12 Dozen Bottles of Gold Thread Syrup Compound A. Default decree of condemnation and destruction. (F. & D. No. 25384. I. S. No. 4934. S. No. 3640.)

Examination of a sample of a drug product, known as Gold Thread syrup compound A. from the shipment herein described having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Hampshire.

On or about December 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine-twelfths dozen bottles of Gold Thread syrup compound A, remaining in the original unbroken packages at Concord, N. H., alleging that the article had been shipped by the Gold Thread Syrup Co. (Inc.), from South Berwick, Me., on or about May 24, 1930, and had been transported from the State of Maine into the State of New Hampshire, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, extracts of plant drugs, sugar, and water, flavored with a mint-like substance.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Gold

Thread Syrup Compound is now manufactured only under two different formulas A & B. A is essentially a tonic. It contains no laxative and is recommended as a lung healer and body builder, also for * * * Coughs, Bronchitis," (circular) "Brings 'Healthy Smiles' to those who suffer from * * * Indigestion * * * [testimonials] I have used many bottles of this remedy during the past few years and have found relief. My stomach disorders arising from improper digestion have been corrected and I do not hesitate to testify to the benefits I * * * I have suffered from a bad stomach for the past 5 years and was unable to find anything that seemed to help me. * * * After my meals I would feel sick especially after my suppers. * * * My stomach began to feel better right off and that bad taste in my mouth entirely left me after the second dose. * * * I have been a teacher for ten years. I was all run down and out of sorts. I over-studied and overworked. I became nervous; could not eat or sleep. My stomach became sour and my breath bad. I had indigestion and constipation and nothing seemed to give me permanent relief. * * * I started taking Gold Thread Syrup Compound, I began to feel strong and my pains and troubles vanished. My skin lost its sallow look and even my hair looked more alive. * * * For * * * Indigestion and accompanying disorders of the stomach * * * Gold Thread Syrup Compound has made a 'hit' with me and to all those who may be tired out as the result of a disordered stomach and desire to be benefited by new 'pep' I would strongly urge them to try a bottle of this tonic. * * * I could recommend Gold Thread Syrup Compound to any one that has stomach troubles of any kind. * * * is a Wonderful Remedy for Distressed Stomach and Intestinal Troubles * * * a wonderful remedy for distressed stomach and intestinal troubles of many varieties. * * * The pains and troubles I have experienced in the past few years have completely vanished and I would not be without this * * * at any time. * * * For many years I suffered with indigestion and all the unpleasant disorders that accompany this complaint. I was afraid to eat the solid foods that I most desired as I knew the distress that was sure to follow. * * * I was very much surprised at the real benefit I obtained from the first few bottles. I continued to find relief with this medicine and in a short time my stomach troubles were largely corrected. * * * For sixteen years I had been suffering greatly from indigestion * * * Am real happy to say that a relief was experienced from the very first bottle, and now I feel justified in highly recommending this wonderful remedy to all who may be suffering as I was, for I am confident they will be benefited by its use."

On April 2, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18077. Misbranding of Burton's Relief. U. S. v. 12 9/12 Dozen Bottles of Burton's Relief. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25612. I. S. No. 9827. S. No. 3885.)

Examination of a drug product, known as Burton's Relief, from the shipment herein described having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 9/12 dozen bottles of Burton's Relief, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Carolina Medicine Co., from Littleton, N. C., on or about November 20, 1930, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of extracts of plant drugs, colchicine, and water, colored with a red dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects

claimed: "Relief for Rheumatism * * * A Blood Purifier * * * Relief For Rheumatism, High Blood Pressure and Pellagra * * * To Whom It May Concern: I have been taking Burton's Relief for Rheumatism for the last three years and find it the most complete cure for the disease that I have ever taken. All you have to do is take it by directions. No matter how bad off you are it will certainly put you on your feet and the pain will be removed. R. L. Fox, Copy 412 Princess St., Wilmington, N. C. * * * To Whom It May Concern: I was afflicted with Rheumatism for two years, could not walk a step, and had other ailments. I tried Burton's Relief and now I am entirely cured. Thanks to Burton's Relief. I keep it on hand and am ready to recommend it to my suffering friends. Copy (Signed) Mrs. Frances Christian. * * * To Whom It May Concern: I suffered with High Blood Pressure for some time and nothing seemed to relieve me until I decided to try a bottle of Burton's Relief and it quickly relieved me. I will be glad to tell my friends of your wonderful medicine. Copy (Signed) Mrs. Susan Coker. * * * To Whom It May Concern: During April, 1929, my daughter Nellie began taking Burton's Relief for Rheumatism and Pellagra. She was drawn with Rheumatism and had been confined to bed for eight weeks with doctor attending her, without improvement, in fact continually getting worse. The seventh day after beginning taking Burton's Relief she went to the dining table and continues to improve until completely well of both diseases. About a month later my son's wife, who was suffering with Pellagra, began taking this treatment and is today well. Copy (Signed) J. D. Roberts. * * * To Whom It May Concern: I have been so bad off with Eczema until I could hardly walk. I tried most everthing I heard of, and lots of doctors, and they never did any good. So I went to the hospital and was there twenty days. This did no permanent good. Finally I heard of Burton's Relief. Before I had taken half of the treatment I was well of the itching. Burton's Relief cured me and I feel well all the time. I had Eczema nearly four years and could not rest at night. So I will say his medicine will do for you all. Your friend, Copy (Signed) C. E. Williams. * * * To Whom It May Concern: Will say on or about the 15th of August, 1929, I was taken with Pellagra, could not walk and part of the time I could not stand on my feet. I took three bottles of Burton's Relief for Pellegra and was able to go back on the job at the cotton mill and perform nearly all the duties pertaining to the job. My feet and hands are in good shape only a little breaking out and itching at night when I pull my shoes off. I am taking the fourth bottle. I would advise all who have Pellagra to give Burton's Relief a trial. Copy (Signed) B. T. Pollard. * * * To Whom It May Concern: About two years ago I was in a bad condition. I took a treatment of Burton's Relief and it made me feel like a new man. My wife had been sick with High Blood Pressure for the past four years. She was hardly able to walk around the house. She took one or two treatments of Burton's Relief and it did wonders for her. I have told many of my friends about it, for it is a fine medicine and I am glad to recommend it. Copy (Signed) B. M. Lewis."

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18078. Misbranding of Wonder poultry tonic. U. S. v. 16 Bottles of Wonder Poultry Tonic. Default decree of condemnation and destruction.
(F. & D. No. 24981. I. S. No. 19576. S. No. 3336.)

Examination of samples of a drug product, known as Wonder poultry tonic, from the shipment herein described having shown that the labeling bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of South Dakota.

On August 18, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on December 31, 1930, an amended libel, praying seizure and condemnation of 16 bottles of Wonder poultry tonic, remaining in the original unbroken packages at Aberdeen, S. Dak., alleging that the article had been shipped by the Wonder Chemical Co., Minneapolis, Minn., on or about May 15, 1930, and transported from the State of Minnesota into the State of South Dakota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of iron, aluminum, magnesium, and sodium compounds, and boric acid, extracts of plant drugs including nux vomica, sulphuric acid, and water (91.5 per cent), flavored with sassafras oil.

The article was labeled in part: "Wonder Poultry Tonic. * * * White Diarrhea (Coccidiosis)—In baby chicks, turkeys or geese give one tablespoonful of Wonder Poultry Tonic to each gallon of clean drinking water. Continue the treatment until the disease disappears. * * * To Aid in Preventing Many Infectious Diseases—Use two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water, twice weekly. * * * Increase Egg Production—Wonder Poultry Tonic acts not only as a tonic, but has marked germicidal properties as well. It also regulates the digestive organs and keeps the body toned up, making your fowls egg producers. Use three tablespoonfuls of Wonder Poultry Tonic to the gallon of water for mixing soft feed. * * * You will get healthier fowls and therefore higher egg production. * * * For the Preventive Treatment of Cholera, Roup and White Diarrhea * * * Roup—Use two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water until the disease disappears. * * * To aid in the treatment of the affected birds mix three tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water. Cholera—Preventive treatment. The spread of this highly infectious disease can be checked, * * * using two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water for the entire flock, until the disease has disappeared. Bowel Trouble—Many types of bowel trouble, due to impure water or food can be prevented by using two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water."

It was alleged in the libel, as amended, that the article was misbranded in that the above-quoted statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 9, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18079. Adulteration and misbranding of Neo-Cultol. U. S. v. 71 Bottles of Neo-Cultol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24751. I. S. No. 028028. S. No. 3112.)

Examination of a sample of a drug product, known as Neo-Cultol, from the shipment herein described having shown that it contained no viable (living) lactobacilli and that the label represented the article to possess curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On May 13, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 71 bottles of Neo-Cultol, remaining in the original and unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Arlington Chemical Co., Yonkers, N. Y., on or about April 24, 1930, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard under which it was sold, namely: (Carton and bottle label) "Contains in viable form the *Bacillus Acidophilus*."

Misbranding was alleged for the reason that the statement on the carton and bottle, "Contains in viable form the *Bacillus Acidophilus*," was false and misleading. Misbranding was alleged for the further reason that the statement regarding the curative or therapeutic effects of the article, "For the treatment of Auto-Intoxication," appearing on the labels, was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18080. Misbranding of Hakka cream compound. U. S. v. 26 Packages of Hakka Cream Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25892. I. S. No. 20176. S. No. 4081.)

Examination of samples of a drug product, known as Hakka cream compound, from the herein-described shipment having shown that the carton and circular contained claims of curative and therapeutic properties which the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 packages of Hakka cream compound, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hakka Chemical Co., from Boston, Mass., on or about December 10, 1930, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, boric acid, menthol, camphor, and traces of phenol and hexylresorcinol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the carton label and in the accompanying circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For * * * Nasal Catarrh, Paroxysms of Hay Fever, Etc. * * * For * * * Nasal Catarrh, Paroxysms of Hay Fever, Etc.;" (circular) "For relief of first stages of * * * Catarrhal Influenza, Hay Fever, Nasal Catarrh and troubles of a like character . . . For Acute Nasal Conditions * * * and Hay Fevers. * * * Hay Fevers * * * Hemorrhoids * * * Boils and Carbuncles."

On March 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18081. Misbranding of Regum tooth paste. U. S. v. 8½ Dozen Tubes of Regum (Regum) Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25560. I. S. No. 12041. S. No. 3844.)

Examination of a sample of a product, known as Regum tooth paste, having shown that the carton and tube labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight and one-half dozen tubes of Regum (Regum) tooth paste, remaining in the original unbroken packages at Denver, Colo., consigned by Morgan & Sampson, San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about August 23, 1930, and had been transported from the State of California into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, glycerin, resins, fatty acids, and water, flavored with aromatic oils.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton) "Hardens the gums;" (tube) "Stops Bleeding gums. Prevents pyorrhea;" (circular) "Into the irritated, torn, bleeding gums germs lodge and multiply, and thus pyorrhea starts and will continue its course of tooth destruction unless the tartar deposits under the gums are removed. Regum (Regum) will prevent this menace to dental health for it retards the formation of tartar. * * * Quickly, Regum (Regum) will heal and strengthen sore, tender, inflamed, bleeding gums * * * Heals Bleeding Gums."

On February 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18082. Adulteration and misbranding of powdered ipecac root. U. S. v. R. Hillier's Son Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 25016. I. S. No. 0122.)

Samples of powdered ipecac root from the shipment herein described having been found to contain less ether-soluble alkaloids than required by the United States Pharmacopoeia and less ether-soluble alkaloids and more ash than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against R. Hillier's Son Co. (Inc.), a corporation trading at New York, N. Y., alleging shipment by said company under the name of Charles L. Huisking & Co. (Inc.), in violation of the food and drugs act, on or about February 16, 1929, from the State of New York into the State of California, of a quantity of powdered ipecac root which was adulterated and misbranded. The article was labeled in part: "Powdered Ipecac Root. The lot from which this parcel was taken was carefully sampled, the sample showing an assay of 1.99% Ether Soluble Alkaloids, 3.45% Ash. U. S. P. R. Hillier's Son Company, Inc. * * * New York. * * * Jersey City, N. J."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it yielded 1.47 per cent of the ether-soluble alkaloids of ipecac, whereas the said pharmacopoeia provided that ipecac should yield not less than 1.75 per cent of the ether-soluble alkaloids of ipecac. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to show an assay of 1.99 per cent of the ether-soluble alkaloids of ipecac and 3.45 per cent of ash, and to conform to the standard laid down in the United States Pharmacopoeia, whereas it showed an assay of 1.47 per cent of the ether-soluble alkaloids of ipecac and 5.05 per cent of ash, and did not conform to the standard laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Powdered Ipecac Root * * * 1.99% Ether Soluble Alkaloids, 3.45% Ash U. S. P.," borne on the label attached to the packages containing the article, were false and misleading in that the said statements represented that the article contained 1.99 per cent of ether-soluble alkaloids of ipecac, and 3.45 per cent of ash, and that it conformed to the standard laid down in the United States Pharmacopoeia, whereas it contained 1.47 per cent of the ether-soluble alkaloids of ipecac, and 5.05 per cent of ash, and did not conform to the standard laid down in said pharmacopoeia.

On February 26, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18083. Adulteration of Spanish ergot. U. S. v. 1 Bag of Ergot Spanish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25578. I. S. No. 15349. S. No. 3870.)

Samples of Spanish ergot from the import shipment herein described having been found to be moldy, decomposed, and worm eaten, and to contain worm excreta, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one bag of Spanish ergot, remaining in the original package at Brooklyn, N. Y., alleging that the article had been shipped from Vigo, Spain, about August 30, 1927, and was entered at the Port of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bag 28B Ergot Spanish, H. W. New York."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as described by the test laid down in the said pharmacopoeia.

On February 2, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18084. Misbranding of Smith's blood, liver, and kidney remedy. U. S. v. 7 Bottles of Smith's Blood, Liver, and Kidney Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24490. I. S. No. 09589. S. No. 2776.)

Examination of a sample of the herein-described drug product having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of Oklahoma the following shipment of a quantity of the product located in Elk City, Okla.

On February 13, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven bottles of Smith's blood, liver, and kidney remedy at Elk City, Okla., consigned by the Health Aid Laboratories, Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about November 25, 1929, from Dallas, Tex., into the State of Oklahoma, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium acetate, extracts of plant drugs, small proportions of magnesium sulphate, potassium iodide, and salicylic acid, alcohol, and water.

It was alleged in the libel that the article was misbranded in violation of the said act as amended, section 8, paragraph 3, in the case of drugs. The charge recommended by this department was that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Blood, Liver and Kidney Remedy * * * This is the most wonderful medicine known for the treatment of all diseases arising from a disordered condition of the Blood, Liver and Kidneys, such as Rheumatism, Neuralgia, Catarrh, Piles, Diarrhea, Venereal Diseases, Chills, Fevers, Stomach and Bowel complaints, Dyspepsia, Indigestion, Constipation, Cleanses the Stomach, regulates the Bowels. For Malaria and Bilious attacks, Backache, Lumbago, Swimming in the Head, * * * Swollen Feet and Ankles, Gas, and Sour Stomach, Gouty Conditions, and Dropsy Symptoms, High Blood Pressure, Influenza, Eczema, and is a perfect tonic. It is good for female Complaints. * * * Smith's Famous Blood, Liver and Kidney Remedy overcomes intestinal sluggishness by causing a normal activity of the liver, increasing the flow of bile, equalizing the portal circulation, thus rendering its effects of a permanent nature, thereby helping to build up the general health. * * * Health Aid. * * * This Famous Medicine Is Guaranteed to give perfect satisfaction for diseases arising from a disordered condition of the Blood, Liver, Kidneys and Stomach. Directions: First day, for an adult should be two tablespoonfuls after each meal to start the bile from the liver to remove it from the stomach * * * In treating Chills, Fevers, Malaria, etc., adults should take two or three tablespoonfuls every two hours until chills and fever stops. In bilious attacks take two or three tablespoonfuls every two or three hours, * * * until the system is thoroughly cleansed. For children * * * in cases of chills, fevers, constipation, etc. * * * We the Health Aid Laboratories, Inc., guarantee Smith's Famous Blood, Liver and Kidney Remedy to give perfect satisfaction in treating cases arising from a disordered condition of the Blood, Liver, Kidneys and Stomach * * * Health Aid."

On December 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18085. Misbranding of Dr. Dickson's compound for the kidneys and bladder. U. S. v. 10 Dozen Cartons, et al., of Dr. Dickson's Compound for the Kidneys and Bladder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25455, 25533, 25534, 25632. I. S. Nos. 11390, 11967, 12036, 12072. S. Nos. 3701, 3759, 3802, 3908.)

Examination of a sample of the drug product herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the following lots of the article located in Denver and Pueblo, Colo.

On December 16 and December 29, 1930, and January 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 22½ dozen cartons or packages of Dr. Dickson's compound for the kidneys and bladder, remaining in the original unbroken packages in part at Denver, Colo., and in part at Pueblo, Colo., consigned by Dorothy Dawn (Inc.), Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., in various lots between the dates of March 29, 1930, and October 23, 1930, and had been transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of tablets containing methenamine, an extract of a laxative plant drug, resins, and juniper oil, coated with sugar, starch, and calcium carbonate, and colored with iron oxide.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the carton label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the Kidneys and Bladder:" (circular) "Treatise on the care and treatment of kidney and bladder disorders. * * * Kidneys and Bladder Disorders * * * Kidneys * * * their proper functioning plays an extremely important part in keeping many other organs functioning normally. * * * if * * * the kidneys and liver do not do their full duty, there arises a condition that breaks down the functions of many other organs. * * * If the heart is weakened or over-crowded by the inability of the kidneys and liver to eliminate certain impurities which remain in the blood stream, it can be readily seen that a vicious cycle of complications may arise. * * * Kidneys Need Care * * * many people do not give them the same care and attention that other organs receive. If you become constipated, which, by the way, has a great deal to do with the kidneys, you think it only proper to assist Nature by taking a safe laxative, but how many think to help the kidneys by taking a safe stimulating diuretic? Each organ is of equal importance to our health and should have equal care. Serious kidney disorders should be cared for by your regular physician—in fact, I always advise a urinary analysis at regular periods but for a safeguard or when they need a gentle stimulation. I can assure you that my diuretic compound will safely stimulate the kidneys to throw off the poisons which are liable to cause trouble. Please consider my Diuretic compound in the same way you would a safe laxative. There is 40 years active practice as a physician back of this compound. I have prescribed it in my practice and have confidence in its virtue to do for you the things for which it is suggested. * * * Bladder irritation, which causes frequent night calls, apparently affects the health in several ways—first, the fact that when sound sleep and rest is broken, it soon affects the nervous system, saps vitality, and a breaking down of health results. There are many contributing causes for bladder irritation, one of the principal ones being an acid condition. Bladder irritation with accompanying burning or scalding pain in groin, legs or back, are most common with men and women from 35 years and up. This condition should not be allowed to exist as in addition to the actual suffering there apparently develops a mental attitude that is extremely unhealthy. When a man or woman of middle age, or over, develops a depressed mental condition, its effect shows plainly in their work, pleasures and daily life. People begin to look backward—think they are getting old. Do not neglect bladder disorders. While, in themselves, they are not particularly dangerous—they have such a far-reaching effect upon other disorders, the greatest being possibly that of broken rest, and no one can hope to have their full powers if they cannot get their necessary sleep. What Dr. Dickson's Compound Diuretic Is. My compound is a combination of certain drugs and gland substances that I have

used in my practice for many years. The treatment is two-fold in its action; its first function is to stimulate the action of the kidneys to throw off the poisons which, if not eliminated, may cause serious consequences; second—it contains certain ingredients that should materially assist in allaying bladder irritation. * * * All Cases Do Not Respond Alike To Treatment. Please bear in mind that improvement in bladder and kidney disorders is sometimes slow. It depends to a large extent on the duration of the trouble and the physical condition of the sufferer. The first improvement noticeable should be an allaying of the irritation of the bladder—a lessening of night calls—less burning sensations, etc., but the improvement may be gradual—do not become discouraged if results are not prompt. No remedy which, in my opinion is safe, can overcome a condition that has been months in developing. The cost of my Compound Diuretic is so small and with my unqualified guarantee of satisfaction or no cost, I want you to continue it until results obtained are entirely satisfactory to you. * * * My Guarantee. I am so confident that Dr. Dickson's Compound Diuretic will give you satisfaction."

On March 24, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18086. Adulteration and misbranding of solution of citrate of magnesia. U. S. v. Blue Ribbon Chemical Co. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 25034. I. S. No. 023783.)

Examination of samples of solution of citrate of magnesia from the shipment herein described having shown that the article did not conform to the requirements of the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On October 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Blue Ribbon Chemical Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about May 13, 1930, from the State of Missouri into the State of Colorado, of a quantity of solution of citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Solution of Citrate of Magnesia U. S. P. * * * Manufactured by Blue Ribbon Chemical Co., Kansas City, Mo."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it contained acidity corresponding to less than 9.5 cubic centimeters of half normal sodium hydroxide per 10 cubic centimeters of the article, namely, not more than 6.4 cubic centimeters of half normal sodium hydroxide per 10 cubic centimeters of the article, and total citric acid corresponding to less than 28 cubic centimeters of half normal sulphuric acid per 10 cubic centimeters of the article, namely, not more than 23.8 cubic centimeters of half normal sulphuric acid per 10 cubic centimeters of the article, whereas the said pharmacopoeia provided that 10 cubic centimeters of solution of magnesium citrate should require not less than 9.5 cubic centimeters of half normal sodium hydroxide for neutralization (minimum of acidity) and that 10 cubic centimeters should require not less than 28 cubic centimeters of half normal sulphuric acid for neutralization of its ash (minimum of total citric acid); and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be solution of citrate of magnesia, U. S. P., whereas it was not.

Misbranding was alleged for the reason that the statement, to wit, "Solution of Citrate of Magnesia, U. S. P.," was false and misleading in that the said statement represented that the article was solution of citrate of magnesia which conformed to the test laid down in the United States Pharmacopoeia, whereas it was not.

On February 18, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18087. Misbranding of Dr. Bennett's New Life. U. S. v. 30 Bottles of Dr. Bennett's New Life. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25520. I. S. No. 9325. S. No. 3790.)

Examination of a sample of a drug product, known as Dr. Bennett's New Life, from the shipment herein described having shown that it was represented to be a vegetable compound, whereas it contained magnesium sulphate (Epsom salts), a mineral drug, and that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about December 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Dr. Bennett's New Life, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Bennett Medicine Co., from Norfolk, Va., on or about May 31, 1920 (1930), and had been transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, iron chloride, small proportions of extracts of plant drugs including podophyllum, rhubarb, and leptandra, traces of salicylic acid and methyl salicylate, and water (approximately 91 per cent.).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling of the product were false and misleading, in view of the presence of magnesium sulphate as an ingredient of the preparation: (Carton) "Select Vegetable Remedies used in this Formula. * * * Made from Selected Vegetable Remedies. Iron Compound Added. The proper combination of Roots, Barks, Leaves and whole drugs of the following vegetable remedies have been used in this medicine. They are Cascara Sagrada, Iris Versicolor, Stillingia, Gentian Leptandrin, Rhubarb, Podophillin and Spanish Licorice. * * * Being purely vegetable;" (bottle) "Iron and Plant Compound." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "This Medicine is Useful in the Treatment of Diseases of the Stomach, Liver and Kidneys. A Good Remedy to Expel Stomach or Intestinal Worms. * * * Some of the Remedies Used in Making Dr. Bennett's New Life—with Iron, and Their Use. Gentian. Uses:—A remedy in atony of the Stomach and Bowels with feeble or slow digestion, malarial poisoning. Leptandra. Uses:—Improves the function of the gastro-intestinal mucous tract. Liver torpor and remittent and intermittent fever. Stillingia. Uses:—As a remedy in chronic sore throat, alterative and antisyphilitic; stimulates organs of secretion and excretion. Iris Versicolor. Uses:—Stimulates the Liver * * * improves nutrition. Alterative in so called blood diseases. Podophylin. Uses: * * * stimulant to the digestive tract; in * * * rheumatism, scrofula, billious fever. Rhubarb. Uses:—To relieve irritation of the stomach and intestinal canal, catarrhal conditions due to mucous atony. * * * used in treating Catarrh, Indigestion or Dyspepsia, Billiousness, * * * Rheumatism, Kidney and Bladder Troubles, Scrofula and so-called Blood Diseases, Chills, Fever, Ague, Nervousness, Male and Female Weakness and Female Complaints. This medicine has given very satisfactory results for children who are restless and nervous. In many of these cases Worms, Impurities and Disease Germs are the true cause of the trouble. In many cases two doses has been sufficient to expel these parasites. * * * it may be taken * * * with good results in many disorders;" (bottle) "A Valuable Medicine in the Treatment of Blood Diseases, Stomach and Liver Difficulties Such as Dyspepsia, Billiousness, Nervousness, Catarrh, Liver Complaints, Rheumatism, Enlargement of the Liver and Diseases of the Kidneys."

On February 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18088. Misbranding of Kalis' laxative "Flu-Caps." U. S. v. 32 Dozen Small-Sized Packages of Kalis' Laxative "Flu-Caps." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25573. I. S. No. 12033. S. No. 3843.)

Examination of a sample of a drug product, known as Kalis' laxative "Flu-Caps," having shown that the display carton, retail carton, and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the following interstate shipment of a quantity of the product located in Denver, Colo.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 dozen small-sized packages of the said Kalis' laxative "Flu-Caps," remaining in the original unbroken packages at Denver, Colo., consigned by Murray C. Kalis & Co., St. Joseph, Mo., alleging that the article had been shipped from St. Joseph, Mo., on or about September 11, 1929, and had been transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of capsicum, aloin, acetanilid, asafoetida, ginger, and a small proportion of another root.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "A Strictly Meritorious Remedy for * * * Grip and 'Flu.' * * * will * * * Prevent the 'Flu' * * * Flu-Caps for * * * Grip and Influenza;" (retail carton) "Flu-Caps for * * * Grip and Influenza. * * * To * * * check the 'flu,' take one capsule with a glassful of water 1 or 2 hours apart until three consecutive doses are taken; then one capsule every three or four hours until entirely rid of cold. To relieve * * * Aching Bones, * * * take one capsule every two hours until relieved. * * * A strictly meritorious remedy for * * * Bilious Fever, Dengue, Chills, Malaria, LaGrip, and 'Flu;'" (circular) "An Ounce of Prevention is Worth a Pound of Cure! * * * 'Flu-Caps' will * * * prevent the 'Flu.' These Capsules had their origin during the 'Flu' epidemic of 1918 and have proven of inestimable value in combating * * * LaGrippe, Bilious Fever, Malaria, Chills, Influenza, and Pneumonia. They act directly on the liver * * * ridding the system of its impurities and fortifying the body against further attack from * * * grippe and 'flu.' * * * To * * * check the 'flu,' take one capsule with a glass full of water one or two hours apart until three consecutive doses are taken; then one capsule every three or four hours until entirely rid of the cold. To relieve * * * aching bones, * * * take one capsule every two hours until relieved."

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18089. Misbranding of Maxey's vegetable tonic and Maxey's One Minute Liniment. U. S. v. 38 Dozen Bottles of Maxey's Vegetable Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25605, 25606. I. S. Nos. 9298, 9299. S. No. 3881.)

Examination of samples of the drug products herein described having shown that the labels and accompanying circulars contained statements representing that the articles possessed curative and therapeutic properties which they did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 38 dozen bottles of Maxey's vegetable tonic and 6½ dozen bottles of Maxey's One Minute liniment, remaining in the original unbroken packages at Norfolk, Va., alleging that the articles had been shipped by the Maxey Medicine Co., from Winston-Salem, N. C., the former on or about February 13, 1930, and the latter on or about March 28, 1930, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Maxey's vegetable tonic consisted essentially of caffeine citrate, salicylic acid, ammonium chloride, chloroform, mustard oil, sassafras oil, clove oil, and water, colored with a red dye; and Maxey's One Minute liniment consisted essentially of chloroform, methyl salicylate, mustard oil, cassia oil, and water.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Bottle label of Maxey's vegetable tonic) "For Indigestion, all Stomach and Bowel Troubles. Digests Food in Lower Bowels, preventing Fermentation. Purifies the blood and regulates the system. * * * where lining of stomach is inflamed from sores, abscesses or ulcers. * * * Acts Directly on the Stomach * * * Digests the Food * * * treatment prepared for conditions arising from the stomach such as indigestion, dyspepsia, heartburn, sour belching, acid stomach, * * * loss of appetite, nervous indigestion. Purifying the blood, eliminating the acids, malaria and impurities that are in the blood and system;" (circular accompanying Maxey's vegetable tonic) "For Cramps * * * Acute Indigestion, * * * should be taken Several Days in the treatment of indigestion, or to purify the blood;" (bottle label of Maxey's One Minute liniment) "Directions—For pains, apply to parts affected. For pains in the back, side, joints, * * * Pyorrhea or diseased gums apply with cotton. Prevents Spanish Influenza, * * * Catarrh;" (carton of Maxey's One Minute liniment) "Relieves Headache, Toothache, Earache or Neuralgia * * * Relieves pains in the back, sides, shoulders, arms or limbs * * * Rheumatism, pneumonia or pleurisy pains * * * Catarrh of the head * * * Pyorrhea or diseased gums. * * * will keep out poison, inflammation and soreness. * * * Pyorrhea or Diseased gums;" (circular accompanying Maxey's One Minute liniment) "For Rheumatic Pains, Pneumonia Pains, Pains in or across Back, in the limbs or joints * * * For Catarrh * * * Headache, * * * For Headaches or Neuralgia * * * For Pyorrhea or Diseased Gums * * * For Rheumatism, Kidney and Back Trouble, also Female Trouble, remove pains, soreness, also stiffness with * * * A sure preventive of Spanish Influenza."

On March 31, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18090. Adulteration and misbranding of Pyro-Lac milk of magnesia tooth paste. U. S. v. 43 Dozen Tubes of Pyro-Lac Milk of Magnesia Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25604. I. S. No. 11966. S. No. 3757.)

Examination of the product herein described having shown that it contained insufficient magnesium hydroxide to justify its label as a milk of magnesia tooth paste, and that the carton and tube bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On January 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 dozen tubes of the said Pyro-Lac milk of magnesia tooth paste, remaining in the original unbroken packages at Denver, Colo., consigned by the Walgreen Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., in part on or about October 30, 1930, and in part on November 11, 1930, and had been transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate (45.1 per cent), magnesium hydroxide (1.0 per cent), soap, glycerin, and flavoring material.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Milk of Magnesia Tooth Paste," whereas it fell below such professed standard, since it contained but an insignificant amount of magnesium hydroxide.

Misbranding was alleged for the reason that the statement "Milk of Magnesia Tooth Paste," appearing on the carton and tube, was false and misleading. Misbranding was alleged for the further reason that the following

statements on the carton and tube were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Protecting the teeth from acid erosion and preventing growth of germs of decay. * * * It stimulates the ferments of the saliva which are essential to the digestion of food;" (tube) "Preventing decay and the conditions leading to pyorrhea."

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18091. Adulteration and misbranding of Vident No. 4 powder for Riggs' disease and Vident Riggs' disease mouth wash No. 6. U. S. v. 16 Cans of Vident No. 4 Powder, et al. Decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 25620, 25621. I. S. Nos. 19801, 19802. S. No. 3838.)

Examination of samples of the drug products herein described having shown that they consisted of a powder and a liquid, respectively, the powder being labeled as an antiseptic and germicide, whereas it was not antiseptic or germicidal, and both products bearing labels representing that they possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Texas the following lots of the products located in Beaumont, Tex.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 dozen cans of Vident No. 4 powder for Riggs' disease and 42 bottles of Riggs' disease mouth wash Vident No. 6, remaining in the original unbroken packages at Beaumont, Tex., alleging that the articles had been shipped by Katz & Besthoff, New Orleans, La., in part on August 15, 1930, and in part on October 25, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Vident No. 4 consisted essentially of pumice, calcium carbonate, sodium bicarbonate, sodium chloride, boric acid, and small proportions of zinc phenolsulphonate, menthol, and thymol. Bacteriological examination showed that it was not antiseptic. The Vident No. 6 consisted essentially of potassium iodide, boric acid, zinc chloride, iodine, small proportions of formaldehyde, thymol and eucalyptol, alcohol, glycerin, and water.

It was alleged in the libel that the articles were adulterated in that their strength fell below the professed standard or quality of "Antiseptic * * * Germicidal," under which they were sold.

Misbranding was alleged for the reason that the statement on the label, "Antiseptic * * * germicidal," was false and misleading.

The adulteration and misbranding charges based on the claims of antiseptic and germicidal properties for the articles were apparently applicable only to the powder, and were so recommended by this department.

Misbranding was alleged in the libel for the further reason that the following statements regarding the curative or therapeutic effects of the articles were false and fraudulent: (Vident powder, carton and can labels) "Riggs' Disease. An adjunct to Vident Riggs' Disease Mouth Wash * * * and assists the recovery of the gums;" (Vident mouth wash, carton and bottle labels) "Riggs' Disease Mouth Wash is invaluable for all forms of Stomatitis, Gingivitis, Salivation and Aphthae, and is a great aid in the treatment of Pyorrhea Alveolaris * * * Vident Riggs' Disease Powder Number Four must be used in conjunction with this Mouth Wash."

On March 16, 1931, Katz & Besthoff (Ltd.), New Orleans, La., having appeared as claimant for the property and having confessed judgment, and the court having found that the allegations of the libel were confessed to be true, a decree was entered ordering that the products be condemned and forfeited, and it was further ordered by the court that the said products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that they be relabeled so as to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18092. Misbranding of Tonall. U. S. v. 10 Dozen Bottles of Tonall. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25611. I. S. No. 9289. S. No. 3823.)

Examination of a drug product, known as Tonall, from the shipment herein described having shown that the bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen bottles of Tonall, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Tonall Medicine Co., from Lancaster, Pa., on or about August 25, 1930, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including sarsaparilla, senna, uva ursi, glycyrrhiza, nux vomica and wild cherry, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Health A * * * System Builder;" (carton) "A remedy compounded of Roots, Herbs and Barks known for their wonderful curative powers and mixed scientifically to give the best results for nervousness and diseases pertaining to the Stomach, Heart, Liver and Kidneys. * * * Among the many diseases Tonall is especially prepared to combat are Indigestion, Heartburn, Headaches, Constipation, Palpitation of the Heart, Chronic Catarrhal Gastric Rheumatism, Biliousness, Kidney, Bladder and Liver complaints, Insomnia, Nervousness and general run down condition of the human system due to a disordered stomach, etc."

On April 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18093. Misbranding of Pycope. U. S. v. 3 Dozen Cans of Pycope. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25581. I. S. No. 11965. S. No. 3814.)

Examination of a drug product, known as Pycope, having shown that the can label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the following interstate shipment of a quantity of the product located in Denver, Colo.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen cans of the said Pycope, remaining in the original unbroken packages at Denver, Colo., consigned by Pycope (Inc.), Joplin, Mo., alleging that the article had been shipped from Joplin, Mo., on or about October 10, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, sodium carbonate, sodium bicarbonate, sodium borate, calcium carbonate, iron, aluminum, and magnesium compounds, and flavoring material.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can label) "For mouth health * * * Hardens soft and bleeding gums * * * It saves the teeth;" (circular) "It saves the teeth * * * There is little excuse for pyorrhea * * * The dental profession recognizes pyorrhea as a condition followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycope Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beauti-

ful white teeth and yet have pyorrhea. The correct use of Pycope Tooth Powder and Brush promotes mouth health by raising the natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycope products are endorsed by many hundreds of progressive dentists. These authorities whose knowledge is beyond question are your assurance of its effectiveness."

On March 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18094. Misbranding of Sul-So-Tar. U. S. v. 5 Dozen Bottles of Sul-So-Tar. Default decree of destruction entered. (F. & D. No. 25250. I. S. No. 6787. S. No. 3541.)

Examination of a sample of a drug product from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On November 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five dozen bottles of Sul-So-Tar, remaining in the original unbroken packages at Piave, Miss., alleging that the article had been shipped by the Industrial Research Association, from Mobile, Ala., on or about January 21, 1930, and had been transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of water containing sulphur dioxide (0.162 per cent).

The article was labeled in part: (Bottle) "Preparation For Internal Use An Effective Prophylactic * * * A Synthetic Compound Tonic of Essential Atmospheric Elements * * * For lung, stomach and kidney disorders take before eating and on retiring. * * * For Children and young infants."

It was alleged in substance in the libel that the article was misbranded in that the label bore statements representing that the said article was indicated or recommended in cases of lung, stomach, and kidney disorders, which statements were false and fraudulent, since the article did not have the curative or therapeutic value or effects stated on the label.

At the February term, 1931, no claimant having appeared for the property, the case came on before the court for final disposition. Evidence having been introduced, the court found the product subject to condemnation and confiscation, and ordered that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18095. Misbranding of Athlophoros Searles' remedy for rheumatism. U. S. v. 2½ Dozen Bottles of Athlophoros Searles' Remedy for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25243. I. S. No. 2444. S. No. 3509.)

Examination of a sample of a drug product, known as Athlophoros Searles' remedy for rheumatism, from the shipment herein described having shown that the carton and bottle labels and the accompanying circular contained statements representing that the article possessed certain curative and therapeutic properties that it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2½ dozen bottles of Athlophoros Searles' remedy for rheumatism, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Athlophoros Co., from Pomfret Center, Conn., on or about March 5, 1930, and had been transported from the State of Connecticut into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, glycerin, volatile oils including cassia oil, peppermint oil, and methyl salicylate, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Remedy for Rheumatism, and, when arising from a rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache;" (circular) "This remedy goes to the root of the disease. It operates on the blood, muscles, and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In Cases of Acute Rheumatism, * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief, should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During Pregnancy reduce dose as follows: * * * Chronic and Complicated Cases—From the time Athlophoros was first offered to the public, we have solicited, from those who have used it, frank statements of their experience with the remedy; and we have received many thousand letters bearing grateful testimony to its wonderful curative powers."

On March 18, 1931, no answer or pleading having been filed by the claimant, the Athlophoros Co., Pomfret Center, Conn., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18096. Supplement to notice of judgment No. 17850. U. S. v. 91 Bottles of Bering Ear Oil. (F. & D. No. 25068. I. S. No. 7576. S. No. 3342.)

The above-identified notice of judgment involved a quantity of Bering ear oil which had been shipped in interstate commerce and seized under libel proceedings in the Northern District of Illinois, and which had been adjudged misbranded in violation of the food and drugs act, and condemned and ordered destroyed by the Federal District Court.

As the result of an error in reporting the violation to the United States attorney, the libel filed in the case alleged that the product had been shipped by Henry Heide & Sons, from St. Paul, Minn., whereas the shipper of the product was Heide & Sons, St. Paul, Minn.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18097. Adulteration and misbranding of Pyrodento. U. S. v. 4 Large and 14 Medium-Sized Bottles of Pyrodento. Default decree of condemnation and destruction. (F. & D. No. 25321. I. S. No. 9307. S. No. 3582.)

Bacteriological examination of the product herein described having shown that it was not antiseptic, as represented, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On November 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 large and 14 medium-sized bottles of Pyrodento, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Pyrodento Co., Baltimore, Md., on or about September 23, 1930, and had been transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of saccharin, benzoic acid, volatile oils including thymol, menthol, cassia oil and clove oil, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the following statements appearing on the carton and bottle labels, (carton) "A liquid antiseptic," (bottle) "A liquid antiseptic * * * As an antiseptic the liquid should be used full strength," were false and misleading.

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18098. Misbranding of Mykel corrective dentifrice. U. S. v. 52 Bottles of Mykel Corrective Dentifrice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25483. I. S. No. 11963. S. No. 3722.)

Examination of a sample of a drug product, known as Mykel corrective dentifrice, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 16, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 52 bottles of Mykel corrective dentifrice, remaining in the original bottles at Denver, Colo., consigned by the Kent Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about September 6, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium perborate and talc, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Corrective Dentifrice * * * keeps gums healthy—Unexcelled for Pyorrhetic * * * Infections."

On March 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18099. Misbranding of Tanlac rheumatism treatment. U. S. v. One Dozen Packages of Tanlac Rheumatism Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25553. I. S. No. 11975. S. No. 3786.)

Examination of a drug product, known as Tanlac rheumatism treatment, showed that it consisted of a liniment and tablets, that the liniment contained less alcohol than declared on the label, and that the carton, bottle label of the liniment, the label of the box containing the tablets, and the accompanying circular bore statements representing that the preparation possessed certain curative and therapeutic properties which it did not.

On December 29, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one dozen packages of the said Tanlac rheumatism treatment, remaining in the original unbroken packages at Denver, Colo., consigned by the International Proprietaries (Inc.), Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, on or about January 2, 1930, and had been transported from the State of Ohio into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of a liniment and tablets. The liniment contained alcohol (45 per cent), chloroform, volatile oils including methyl salicylate, camphor, eucalyptus oil, mustard oil, soap, and water. The tablets contained acetylsalicylic acid (4.2 grains each), and extracts of plant drugs including a resin.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the statement made was incorrect. Misbranding was alleged for the further reason that the statement on the label of the bottle containing the liniment, "Alcohol 63% by Volume," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling of the article, regarding its curative and therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tanlac Rheumatism Treatment for Subacute and Chronic Rheumatism of the Joints and Muscles, Gout and Neuralgia of a Rheumatic or Gouty Nature * * * Tanlac Rheumatism Treatment * * * The Internal preparation consists of a package of tablets which are designed * * * to assist nature in overcoming subacute and chronic rheumatism of the joints and muscles. The External part of the treatment is a bottle of Tanlac Liniment which is an exceptionally penetrating application used to aid in relieving * * * stiffness of the muscles and joints. * * * Tanlac Rheumatism Treatment will be found of great aid in cases of Neuralgia of a Rheumatic Nature;" (bottle label of Tanlac liniment) "This excellent preparation is used in connection with Tanlac Rheumatism Tablets for the pain from Sub-Acute and Chronic Rheumatism of the Joints and Muscles. Tanlac Liniment is also unexcelled as an external application for * * * stiff muscles and joints;" (label on box containing tablets) "Tanlac Rheumatism Tablets for Subacute and Chronic Rheumatism of the Joints and Muscles, Gout and Neuralgia of a Rheumatic or Gouty Nature. * * * Directions: Take 1 Tablet after each meal. In cases where the patient is bedridden or is not eating regularly take one tablet 3 times a day;" (circular) "Tanlac Rheumatic Treatment A preparation for the Treatment of Sub-acute and Chronic Rheumatism of the Joints and Muscles, Gout and the Various Forms of Neuralgia. Tanlac Rheumatic Treatment is a combination treatment consisting of * * * tablets * * * and an exceptionally penetrating medicated oil or liniment which is used to reduce congest on * * * and aid in securing the proper flow of blood through the affected parts. It is a * * * preparation for the treatment of sub-acute and chronic rheumatism of the joints and muscles, gout, and the various forms of neuralgia of a rheumatic or gouty nature. Sore, painful, stiff or aching joints and muscles are evidences of these forms of rheumatism, and the suffering is usually increased by exposure, damp, rainy weather, colds, etc. There is reason to believe that, outside of the infectious forms these types of rheumatism are produced by poisons formed in the intestinal tract which are not properly eliminated by the bowels, kidneys and skin, and are carried through the system by the blood and deposited in the joints, tissues and various organs. Therefore, to obtain relief it is necessary to dissolve these poisons and expel them from the system. Tanlac Rheumatic Treatment is especially designed to establish proper elimination by the bowels, kidneys and skin, thus relieving the joints and tissues of accumulated matter. It is also calculated to promote digestion and assimilation so as to secure proper circulation of rich, nourishing blood in the parts affected. Directions: Take one tablet 3 to 4 times a day. The dose may be gradually increased to 2 or 3 tablets."

On March 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18100. Misbranding of Dr. Brigadell's Camphorole. U. S. v. 33 Dozen Small-Sized Jars, et al., of Dr. Brigadell's Camphorole. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 25851, 25872, 25913. I. S. Nos. 15700, 27812, 27853, 27857, 27858, 27859. S. Nos. 4057, 4088, 4164.)

Examination of a drug product, known as Dr. Brigadell's Camphorole, from the shipments herein described having shown that the jar labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 2, February 3, February 6, and February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 80½ dozen small jars and

8 11/12 dozen large jars of Dr. Brigadell's Camphorole, remaining in the original unbroken packages at Philadelphia, Pa., consigned in part under the name of the Camphorole Laboratories and in part under the name of Camphorole (Inc.), from Atlantic City, N. J., alleging that the article had been shipped from Atlantic City, N. J., in various consignments on or about May 8 and November 10, 1930, and January 14, January 28, and January 29, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base containing camphor, menthol, and eucalyptol.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Catarrh of the Nose * * * Catarrh of the Throat. This condition is generally caused by disease in the nose, tonsils or adenoids. * * * insert a little * * * about the size of a cent on back of tongue and let it dissolve slowly * * * bronchitis * * * In acute cases it is generally an extension of a cold in head or sore throat that worked its way down to the * * * bronchial tubes * * * If you do not take good care of this condition it may work its way downward to cause Pneumonia. Camphorole should be inhaled by the 'Vapor' * * * Tonsilitis, Raw Sore Throat * * * Hacking Cough * * * Hay Fever * * * Whooping Cough * * * Acute Sore Throat * * * Sinus Diseases of the Nose * * * Asthma * * * Catarrhal Deafness. This condition is seldom cured, if long standing. If you will use Camphorole as directed under Catarrh of the Nose, you will frequently be able to control it and often prevent total deafness. * * * Head Noises are symptoms caused by catarrhal trouble of middle and inner ear. * * * Earache * * * Spasmodic Croup * * * an ideal treatment for Rheumatism and various forms of inflammation and congestion * * * Rheumatism is a condition which is caused by some infection in the body, and absorbed into the blood as it flows through the system, and may lodge in any joint, muscle or tissue. * * * The stiffness and pain in joint or muscles is reduced by using Camphorole freely. * * * Rheumatism—Acute * * * Spread * * * freely over surface and rub in gently, * * * In stubborn cases, do not hesitate to use * * * frequently * * * Rheumatism—Chronic * * * Be sure to rub * * * in well on chronic cases, * * * Lumbago in the Back is soreness of muscles over kidneys and above the hips. * * * Neuritis, Sciatica and Neuralgia Pains * * * Do not be afraid to use frequently * * * Arthritis is a congestion or inflammation of the joints. * * * should be rubbed gently into the skin surrounding the joint in acute cases; but chronic cases rub in well, * * * Itching Eczema * * * Sagging Chin and Wrinkled Skin * * * It stimulates the circulation, tones up the sagging muscles and leaves the skin soft and smooth. * * * Varicose Veins. Simply apply * * * but do not rub; * * * Goitre—Enlarged Gland * * * for * * * Inflamed Bunions * * * Sleeplessness Due to tired excited nerves. Apply * * * back of ears, over temples and back of neck, * * * Mumps is an infection of the Parotid Gland * * * Apply * * * and cover with flannel and stay abed. Miner's Asthma * * * Use as directed under Asthma. * * * Domestic Animals Goitre in Dogs. Apply * * * and massage in well. Pneumonia in Dogs * * * spread * * * on freely around neck, chest and between fore legs. * * * Rheumatism in Dogs * * * Apply * * * freely, rub in * * * Horse's * * * Pneumonia * * * spread on * * * thickly between the fore legs, over the lungs and chest;" (small label) "Sore Tight Chest, Bronchitis and Spasmodic Croup * * * Raw Sore Throat, Deep Seated * * * and Stubborn Cough * * * Catarrh of Nose, Throat, Asthma * * * Rheumatism—Spread * * * freely on stiff swollen joint or inflamed swollen surface."

On March 23, 1931, claims for the property having been entered in the name of Camphorole (Inc.), Atlantic City, N. J., judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$250, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

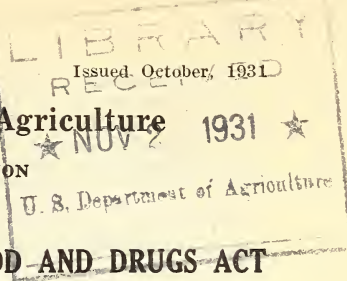
INDEX TO NOTICES OF JUDGMENT 18051-18100

	N. J. No.
Athlaphoros Searles' remedy for rheumatism:	
Athlaphoros Co.....	18066, 18095
Williams Manufacturing Co.....	18066
Bafaline dental cream:	
Bafaline Laboratories.....	18061
powder:	
Bafaline Laboratories.....	18061
lotion:	
Bafaline Laboratories.....	18061, 18069
Bennett's, Dr., New Life:	
Bennett Medicine Co.....	18087
Bering ear oil:	
Heide & Sons.....	18086
Brigadell's, Dr., Camphorole:	
Camphorole (Inc.).....	18100
Camphorole Laboratories.....	18100
Burton's Relief:	
Carolina Medicine Co.....	18077
Cubeb cigarettes:	
Superior Medicated Products Corporation.....	18068
Dickson's, Dr., compound for the kidneys and bladder:	
Dawn, Dorothy (Inc.).....	18085
Ergot, fluid extract:	
Wyeth, J., & Bro.....	18060
Spanish:.....	18083
Ether:	
American Solvents & Chemical Corporation.....	18070
Baker, J. T., Chemical Co.....	18074
Merck & Co.....	18059, 18062, 18067
Galpin's antiseptic vaginal suppositories:	
Galpin, H. T. (Inc.).....	18055
Gold Thread syrup compound:	
Gold Thread Syrup Co.....	18076
Hakka cream compound:	
Hakka Chemical Co.....	18080
Herst's, Dr., intestinal cleanser:	
Health Food Laboratories.....	18072
Hydras:	
Wyeth, J., & Bro.....	18056
Ipecac root, powdered:	
Hiller's, R., Son Co.....	18082
Huisking, C. L., & Co.....	18082
Jarabe de Koffressi Contra el Reumatismo:	
Moscoso Hno. & Co.....	18058
Kalis laxative "Flu-Caps:"	
Kalis, M. C., & Co.....	18088
Konoids, antiseptic:	
Konoid Co.....	18073

	N. J. No.
Magnesia, solution citrate:	
Blue Ribbon Chemical Co.....	18086
Sterling Magnesia Co.....	18064
Marshall's cubeb cigarettes:	
Horner, J. B. (Inc.).....	18054
Maxey's One Minute liniment:	
Maxey Medicine Co.....	18089
vegetable tonic:	
Maxey Medicine Co.....	18089
Mykel corrective dentifrice:	
Kent Co.....	18098
Neo-Cultol:	
Arlington Chemical Co.....	18079
Osmo Kaolin:	
Fougera, E., & Co.....	18071
Serra, Garabis & Co.....	18071
Pike's Centennial salt rheum salve:	
Pike, J. J., & Co.....	18063
Potassifras:	
Columbus Chemical Corporation.....	18065
Pycope:	
Pycope (Inc.).....	18093
Pyro-Lac milk of magnesia tooth paste:	
Walgreen Co.....	18090
Pyrodento:	
Pyrodento Co.....	18097
Regum tooth paste:	
Morgan & Sampson.....	18081
Smith's blood, liver, and kidney remedy:	
Health Aid Laboratories.....	18084
Sul-Ferro-Sol:	
Sul-Ferro-Sol Co.....	18075
Sul-So-Tar:	
Industrial Research Association.....	18094
Tanlac rheumatism treatment:	
International Proprietaries (Inc.).....	18099
Tonall:	
Tonall Medicine Co.....	18092
Var-ne-sis for rheumatism:	
Var-ne-sis Co.....	18052, 18053, 18057
Vident No. 4 powder for Riggs' disease:	
Katz & Besthoff.....	18091
Riggs' disease mouth wash No. 6:	
Katz & Besthoff.....	18091
Vitalex:	
Universal Carloading & Distributing Co.....	18051
Wonder poultry tonic:	
Wonder Chemical Co.....	18078

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18101-18175

[Approved by the Secretary of Agriculture, Washington, D. C., October 7, 1931]

18101. Misbranding of corn flour, cream meal, and wheat flour. U. S. v 300 Sacks of Corn Flour, et al. Decrees of condemnation entered. Products released under bond. (F. & D. Nos. 26165, 26166, 26167, 26168. I. S. Nos. 15151, 15152, 15156, 15157. S. Nos. 4476, 4487, 4488, 4489.)

Sample sacks of corn flour, cream meal, and wheat flour from the shipments herein described having been found to contain less than the amount declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 300 sacks of corn flour, 320 sacks of cream meal, and 310 sacks of flour, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by the Scott County Milling Co., Sikeston, Mo., on or about March 17, 1931, and had been transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The corn flour was labeled in part: (Sack) "The Scott County Milling Company The B. M. M. Co. Corn Flour Sikeston, Oran and Dexter, Mo. 98 Lbs. Corn Flour Net Weight When Packed." The wheat flour was labeled in part: (Sack) "Dexter Milling Co. Highest Winter Superior Patent Wheat Patent Dexter Mo. * * * 6 Lbs. Net Weight When Sacked." A portion of the cream meal was labeled in part: (Sack) "Every Sack Guaranteed By Scott County Milling Co. The B. M. M. Company Cream Meal Sikeston Oran, Dexter, Missouri. 24 Lbs. Cream Meal Net Weight When Packed." The remainder of the said cream meal was labeled in part: (Sack) "Every Sack Guaranteed 6 Lbs. Net Weight When Packed."

It was alleged in the libels that the articles were misbranded in that the statements regarding the weight of the product, namely, "6 Lbs. Net Weight," "24 Lbs. * * * Net Weight," and "98 Lbs. * * * Net Weight," as the case might be, borne on the labels, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made on the packages were not correct.

On April 7, 1931, the Scott County Milling Co., Sikeston, Mo., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,391.50, conditioned in part that they be bulked, repacked, weighed, and relabeled with their correct weights, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18102. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 25221. I. S. No. 7238. S. No. 3507.)

Arsenic trioxide having been found on the apples in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On October 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original packages at Laredo, Tex., alleging that the article had been shipped by the Wenatchee Produce Co., from Wenatchee, Wash., on or about September 20, 1930, and had been transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which ingredients might have rendered it injurious to health.

On or about January 15, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18103. Adulteration of corn flour and sausage binder flour. U. S. v. 11 Barrels of Corn Flour and 41 Barrels of Sausage Binder Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25232. I. S. No. 17805. S. No. 3517.)

Samples of corn flour and sausage binder flour from the shipment herein described having been found to contain live worms or beetles, or both, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Alabama.

On October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on November 1, 1930, an amendment to the said libel, praying seizure and condemnation of 11 barrels of corn flour and 41 barrels of sausage binder flour, remaining in the original unbroken packages at Birmingham, Ala., alleging that the articles had been shipped by the Griffith Laboratories, Chicago, Ill., from Omaha, Nebr., on or about April 1, 1930, and had been transported from the State of Nebraska into the State of Alabama, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, "Griffith Process Sausage Flour Griffith Laboratories Chicago," and "Griffith Sausage Special Binder Flour," respectively.

It was alleged in the libel that the articles were adulterated in that they consisted in part of filthy vegetable substances, since an examination showed the presence of live worms and beetles.

On January 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18104. Misbranding of olive oil. U. S. v. 24 One-Fourth Gallon Cans, et al., of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 25462. I. S. Nos. 9955, 9956. S. No. 3710.)

Samples of olive oil from the shipments herein described having been found to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On December 12, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 one-fourth gallon cans and 28 half-gallon cans of olive oil, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by Mallars & Co., Chicago, Ill., August 14, 1930, and had been transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Athlete Brand Pure Olive Oil ¼ Gallon [or "½ Gallon"] Mallars & Company Chicago."

It was alleged in the libel that the article was misbranded in that the statements, "One-Fourth Gallon" and "One-Half Gallon," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was incorrect.

On April 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal. It was further ordered by the court that the sale be conditioned upon the disposal of the product

in compliance with the law, particularly the Federal food and drugs act, and if not so sold that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18105. Adulteration and misbranding of oysters. U. S. v. 23 Cans of Oysters. Default decree of destruction entered. (F. & D. No. 25387. I. S. No. 13446. S. No. 3679.)

Samples of oysters from the shipment herein described having been found to be decomposed and short in volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On November 28, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 cans of oysters, remaining in the original packages at Maysville, Ky., consigned November 20, 1930, alleging that the article had been shipped by the Castle Packing Co., Baltimore, Md., and had been transported from the State of Maryland into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Extra Selects Castle Packing Co. * * * Baltimore, Md. One Gallon."

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the statement on the label, "One Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 6, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18106. Adulteration of canned sardines. U. S. v. 307 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24174. I. S. Nos. 014952, 014954. S. No. 2413.)

Samples of canned sardines from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Tennessee.

On October 22, and on or about December 9, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 325 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Brawn Co., Portland, Me., on or about October 20, 1929, and had been transported from the State of Maine into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Commercial Brand American Sardines * * * Packed by The Brawn Co., Portland, Me., U. S. A."

It was alleged in the libels that the article was adulterated in that it was in process of decomposition.

On June 10, 1930, and January 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18107. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25048. I. S. No. 6310. S. No. 3300.)

Samples of butter from the shipment herein described having been found to be deficient in milk fat, in that it contained less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about July 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Winona Creamery Co., Winona, Miss., on or about July 10, 1930, and had been transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs

act. The article was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company, U. S. A., General Offices Chicago."

It was alleged in the libel that the article was adulterated in that a substance deficient in milk fat had been substituted for butter, which the article purported to be; and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of May (March) 4, 1923, which said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18108. Adulteration of Italian chestnuts. U. S. v. 17 Barrels, et al., of Italian Chestnuts. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25509, 25528, 25529, 25530. I. S. Nos. 14508, 14509, 14511, 14512, 14515. S. Nos. 3804, 3828, 3829, 3830.)

Samples of Italian chestnuts from the shipments herein described having been found to be moldy, worm eaten, and rancid, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On or about December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 17 barrels, 10 kegs, and 800 pounds of Italian chestnuts, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the E. R. Muller Co., from New York, N. Y., in various consignments, on or about November 1, November 24, December 1, and December 3, 1930, and had been transported from the State of New York into the State of Georgia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid vegetable substance.

On January 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18109. Adulteration of Greek string figs. U. S. v. 600 Boxes of Greek String Figs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25507, 25328, 25329. I. S. Nos. 10937, 10938, 10941, 10942, 10959. S. Nos. 3574, 3599, 3600.)

Samples of Greek string figs from the shipments herein described having been found to be wormy, worm eaten, moldy, and sour, and to contain worm excreta, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about November 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 boxes of Greek string figs at Chicago, Ill., alleging that the article had been shipped by the Sokol Co., from New York, N. Y., October 21, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Selected String Figs Packed and Shipped by Seideman & Seideman * * * Produce of Greece S. & S. Athena Brand."

It was alleged in substance in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 4, 1931, Sokol & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of judgment, a decree of condemnation and forfeiture was entered against the 677 cases of the product that were seized, and it was ordered by the court that the said product be delivered to the claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18110. Adulteration of canned salmon. U. S. v. 335 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25140. I. S. No. 1076. S. No. 3400.)

Samples of canned salmon from the shipment herein described having been found to be tainted, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 589 cases, each containing 48 cans of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Wrangell Packing Corporation, from Wrangell, Alaska, arriving at Seattle, August 18, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 26, 1931, John Klaeboe, trading as the Northwest Reconditioning Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department, so that it conform to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18111. Adulteration and misbranding of apples. U. S. v. 616 Boxes of Rome Beauty Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25552. I. S. No. 12058. S. No. 3846.)

Arsenic trioxide having been found on the apples from the shipment herein described, and investigation having shown that the quantity of the contents was inconspicuously stated on the labels of the boxes, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 616 boxes of Rome Beauty apples, remaining in the original unbroken packages at Pueblo, Colo., consigned by the Fruit Exchange, Booth, Utah, alleging that the article had been shipped from Booth, Utah, on or about November 1, 1930, and had been transported from the State of Utah into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Wyno Brand Apples, not less than 44 lbs. net weight when packed. Packed and distributed by J. O. White, Salt Lake City." The statement of the quantity of the contents was very inconspicuous.

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, namely, arsenic and lead, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On January 29, 1931, the Continental Grocery Corporation (Ltd.), a Delaware corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be washed and reconditioned under the supervision of this department, and should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18112. Adulteration and misbranding of Brazil nuts. U. S. v. 23 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25502. I. S. No. 16306. S. No. 3781.)

Samples of Brazil nuts from the shipment herein described having been found to be rancid, decomposed, and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about December 18, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 bags of Brazil nuts at Chicago, Ill., alleging that the article had been shipped by Andrew Wilson, from New York, N. Y., November 14, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1930, John J. Maloney & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be sorted under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or any existing law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18113. Adulteration of canned blueberries. U. S. v. 81 Cases of Canned Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25206. I. S. No. 3186. S. No. 3484.)

Samples of canned blueberries from the shipment herein described having been found to contain maggots and worms, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 16, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 81 cases of canned blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by M. L. Caler, from Columbia, Me., on or about August 1, 1930, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pleasant River Brand Maine Blueberries Packed by M. L. Caler, Addison, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18114. Adulteration of canned pimientos. U. S. v. 79 Cases, et al., of Pimientos. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 25490, 25753, 25757. I. S. Nos. 8756, 8832, 8836. S. Nos. 3772, 4004, 4008.)

Samples of pimientos in glass from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On or about December 11, 1930, and January 17 and January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 391 cases of pimientos in glass, remaining in the original unbroken packages in part at Buffalo, N. Y., and in part at Rochester, N. Y., alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., in part on or about September 13, 1930, and in part on or about October 10, 1930, and had been transported from the State of Georgia into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Jar) "Pomona Brand * * * Pimientos Grown and Packed by Pomona Products Co., Griffin, Ga." The remainder of the said article was labeled in part: (Jar) "Sunshine Brand * * * Pimientos Pomona Products Co. Griffin, Ga."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 17, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property, judgments of condemnation were entered and it was

ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,173, conditioned in part that it be sorted under the supervision of this department to separate the good portion from the bad portion, and not to be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18115. Adulteration of canned stringless beans. U. S. v. 98 Cases, et al., of Stringless Beans. Default decrees of destruction entered. (F. & D. Nos. 25163, 25164, 25181, 25186, 25187, 25188, 25189, 25190. I. S. Nos. 7014, 7016, 7020, 7021, 7023, 7024, 7025, 7026. S. Nos. 3428, 3429, 3451, 3452, 3456, 3457, 3458, 3459.)

Samples of canned stringless beans from the shipments herein described having been found to be sour and decomposed—showing evidence of being under-processed—the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On September 20 and October 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 421 cases of canned stringless beans, remaining in the original packages in various lots at Middlesboro, Harlan, Corbin, Baxter, Barbourville, London, and Williamsburg, Ky., consigned by Henley Runions, New Tazewell, Tenn., between the dates of June 30, 1930 and July 19, 1930, alleging that the article had been shipped in interstate commerce from New Tazewell, Tenn., into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Runions Best Brand Stringless Beans * * * Packed by Henley Runions, New Tazewell, Tenn."

It was alleged in substance in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 6, 1931, no claimant having appeared for the property, judgments were entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18116. Adulteration of dressed poultry. U. S. v. 31 Boxes of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25946. I. S. No. 1104. S. No. 4203.)

Samples of dressed poultry from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 boxes of dressed poultry, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the F. J. Kwapil Co., from Seattle, Wash., on or about February 9, 1931, and had been transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a decomposed animal substance.

On March 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18117. Misbranding of fresh crab meat. U. S. v. 70 Cans of Fresh Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25858. I. S. No. 8550. S. No. 4096.)

Samples of canned fresh crab meat from the shipment herein described having been found short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On February 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 cans of fresh crab meat, remaining in the original packages at Mobile, Ala., alleging that the article had been shipped by the C. C. Co., Biloxi, Miss., January 26, 1931, and had been transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Contents Crab Meat 1 lb. net;" (tag on shipping case) "From C. C. Co. Biloxi, Miss."

It was alleged in the libel that the article was misbranded in that the statement "1 lb. net," appearing on the cans containing the article, was false and misleading and deceived and misled the purchaser when applied to a product shipped in cans containing a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages, since the statement made was not correct, the cans containing less than the quantity stated.

On March 6, 1931, the court having found that the product was spoiled and unfit for food, and no claimant having appeared, judgment was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18118. Adulteration of canned salmon. U. S. v. 154 Cases of Red Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 25671. I. S. No. 11202. S. No. 3963.)

Samples of canned salmon from the shipment herein described having been found to be stale and tainted, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 154 cases of red salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Douglas Island Packing Co., from Douglas, Alaska, arriving at Seattle on September 15, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 12, 1931, the West Sales (Inc.), Seattle, Wash., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it should not be sold, or disposed of contrary to law. It was further provided in the decree that the portion found to be fit for human consumption be released and the remainder disposed of according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18119. Adulteration of canned blueberries. U. S. v. 18 Cases, et al., of Canned Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25843, 25844. I. S. Nos. 5247, 5248, 5249, 5250. S. No. 4054.)

Samples of canned blueberries from the shipments herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On January 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 168 cases of canned blueberries, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the A. & R. Loggie Co. (Ltd.), Columbia Falls, Me., alleging that the article had been shipped from Columbia Falls, Me., on or about August 16, 1930, and had been transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries Packed at Columbia Falls Maine by A. & R. Loggie Co., Limited of Loggieville, N. B."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 26, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18120. Adulteration of dried peaches. U. S. v. 185 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25874. I. S. No. 12845. S. No. 4011.)

Samples of dried peaches from the shipment herein described having been found to be dirty and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 185 boxes, more or less, of dried peaches, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the California Prune & Apricot Growers' Association, San Jose, Calif., on or about January 10, 1931, and had been transported from the State of California into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Okeh Brand California Fancy Peaches."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18121. Adulteration of tomato catsup. U. S. v. 35 Cases of Tomato Catsup. Default decree of condemnation. Product released under bond. (F. & D. No. 25918. I. S. Nos. 8896, 28127. S. No. 4063.)

Samples of tomato catsup from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 cases of tomato catsup in part at Charleroi, Pa., and in part at Uniontown, Pa., alleging that the article had been shipped on or about October 6, 1930, by the Frazier Packing Co., from Elwood, Ind., to Charleroi and Uniontown, Pa., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Fox Brand Tomato Catsup."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18122. Adulteration of dressed poultry. U. S. v. 99 Barrels of Dressed Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26078. I. S. No. 20270. S. No. 4403.)

Samples of dressed poultry from the shipment herein described having been found to be decomposed, emaciated, and diseased, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 99 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Chicago Cold Storage Warehouse Co., from Chicago, Ill., on or about February 14, 1931, and had been transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in part of portions of animals unfit for food; and in that it was the product of diseased animals.

On May 1, 1931, Larry Fox (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it be salvaged by separating from the article the portion unfit for human consumption, so that the portion remaining should comply with the requirements of the Federal food and drugs act, and that the unfit poultry be destroyed or denatured to prevent its use in food, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18123. Adulteration of dressed poultry. U. S. v. 1 Barrel of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26057. I. S. No. 20267. S. No. 4384.)

Samples of dressed poultry from the shipment herein described having been found to be decomposed and emaciated, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel of dressed poultry, remaining in the original unbroken package at New York, N. Y., alleging that the article had been shipped by Sanford Ziegler from Fairfield, Iowa, on or about March 13, 1930 (November 13, 1930), and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in part of portions of animals unfit for food; and in that it was the product of diseased animals.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18124. Adulteration of canned prunes. U. S. v. 13 Cases, et al., of Canned Prunes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25935, 26080. I. S. Nos. 15618, 28057, 28058. S. Nos. 4034, 4391.)

Samples of canned prunes from the shipments herein described having been found to be moldy and partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 19 and March 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 37 cases, each containing 24 cans, and 49 cases, each containing 72 cans of prunes, remaining in the original unbroken packages in part at Reading, Pa., and in part at Shenandoah, Pa., consigned by Paulus Bros. Packing Co., in part from Salem, Oreg., and in part from Portland, Oreg., alleging that the article had been shipped in two consignments on or about December 9, 1930 and January 24, 1931, respectively, and had been transported from the State of Oregon into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 10 and April 13, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18125. Adulteration of dressed poultry. U. S. v. 530 Pounds of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26038. I. S. No. 20265. S. No. 4334.)

Examination of dressed poultry from the shipment herein described having shown that it consisted largely of cull poultry and that a large part was decomposed, emaciated, and diseased, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 530 pounds of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by St. Ansgar Product Co., from St. Ansgar, Iowa, in part on or about June 9 and in part on or about June 12, 1930, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18126. Adulteration and misbranding of butter. U. S. v. 63 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26423, 26429. I. S. Nos. 29345, 30084. S. Nos. 4545, 4583.)

Samples of butter from the shipments herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 27 and April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 107 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Glenville Creamery Co., Glenville, Minn., in part on March 18, and in part on March 25, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Hunter, Walton & Co. New York City * * * Pasteurized Sweet Cream Butter."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was an imitation of or was offered for sale under the distinctive name of another article; and for the further reason that it was labeled "Butter," which label was false and misleading and deceived and misled the purchaser.

On March 31 and April 15, 1931, Thomas G. Corcoran having appeared as claimant for the property as agent for Hunter, Walton & Co., New York, N. Y., and said claimant having filed stipulations admitting the allegations of the libels and consenting to the entry of decrees, and also having agreed to recondition the product so that it contain at least 80 per cent of milk fat, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$3,100, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18127. Supplement to notice of judgment No. 17812. U. S. v. 195 Cases of Turnip Greens. Default set aside. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25466. I. S. No. 14472. S. No. 3726.)

Before the execution of the order of destruction under the decree of January 10, 1931, entered in the above case, the shipper of the product, the Pomona Products Co., Griffin, Ga., requested that destruction be stayed and that it be permitted to file a claim for the product.

On April 9, 1931, this request having been submitted to the court, judgment was entered reaffirming the condemnation and forfeiture of the product, but providing that it might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18128. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 26433. I. S. No. 29332. S. No. 4491.)

Samples of butter from the shipment herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four tubs of butter, remaining in the original unbroken packages

at New York, N. Y., alleging that the article had been shipped by the Humboldt Cooperative Creamery Co., Humboldt, Iowa, on or before March 19, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On May 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal deliver such portions of the article as might be found by this department to be fit for human consumption to a charitable institution, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18129. Adulteration and misbranding of butter. U. S. v. 52 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26432. I. S. No. 30121. S. No. 4646.)

Samples of butter from the shipment herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 52 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Center Valley Creamery Association, Sumner, Iowa, through C. W. Pennington, Sumner, Iowa, on or about April 8, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Iowa Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was labeled "Butter," which was false and misleading and deceived or misled the purchaser.

The Koster Butter & Egg Co. (Inc.), New York, N. Y., appeared as claimant for the property as agent for the Center Valley Creamery Co., Sumner, Iowa, and filed a stipulation admitting the allegations of the libel and consenting to the entry of a decree of condemnation. The claimant also agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat. On April 29, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be reworked and reprocessed so that it should comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18130. Adulteration and misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26431. I. S. No. 30091. S. No. 4597.)

Samples of butter from the shipment herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dexter Creamery, Dexter, Minn., March 26, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

It was further alleged, among other allegations, that the article was misbranded in that it was an imitation of or offered for sale under the distinctive name of another article.

The Borden's Farm Products Co. (Inc.), New York, N. Y., appeared as claimant for the property as agent for the Dexter Creamery Co., Dexter, Minn., and filed a stipulation admitting the allegations of the libel and consenting to the entry of a decree of condemnation. The claimant further agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On April 15, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked and reprocessed so that it should comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18131. Adulteration of scallops. U. S. v. 14 Gallons, et al., of Scallops. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26400, 26401. I. S. Nos. 15758, 15779. S. Nos. 4087, 4111.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 26 and January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 35 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned in part about January 22, and in part about January 23, 1931, alleging that the article had been shipped by Preston Lowe, Oyster, Va., and had been transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On February 5, and February 11, 1931, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18132. Adulteration of scallops. U. S. v. 27 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26402. I. S. No. 15781. S. No. 4113.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned about January 23, 1931, alleging that the article had been shipped by the Cape Charles Seafood Co., Oyster, Va., and had been transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On February 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18133. Adulteration of scallops. U. S. v. 95 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26398. I. S. No. 15745. S. No. 4086.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 95 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned about January 22, 1931, alleging that the article had been shipped by S. F. Smith & Co., Cape Charles, Va., and had been transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On February 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18134. Adulteration of scallops. U. S. v. 11 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26397. I. S. No. 15778. S. No. 4074.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned about January 20, 1931, alleging that the article had been shipped by E. J. Steelman, Bay View, Va., and had been transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On February 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18135. Adulteration of scallops. U. S. v. 2 Barrels of Scallops. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 26399. I. S. No. 28966. S. No. 4370.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 barrels containing twenty-four 1-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by S. F. Smith & Co., Cape Charles, Va., on or about March 2, 1931, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal deliver such portions of the product as might be found by this department to be fit for human consumption to a charitable institution, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18136. Adulteration of scallops. U. S. v. 1 Barrel, et al., of Scallops. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institutions. (F. & D. Nos. 26389, 26393, 26395. I. S. Nos. 28967, 28968, 28974. S. Nos. 4363, 4372, 4411.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 5 and March 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 3 barrels, containing a total of forty-five 1-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by H. Allen Smith, Cheriton, Va., on or about March 3 and March 5, 1931, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On March 23, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as were found by this department to be fit for human consumption to various charitable institutions, and that any unfit portions be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18137. Adulteration of scallops. U. S. v. 1 Barrel, et al., of Scallops. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. Nos. 26388, 26391. I. S. Nos. 28957, 28969. S. Nos. 4367, 4371.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 3 and March 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 3 barrels, containing a total of fifty-one 1-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by U. W. Hine, Cape Charles, Va., in part on or about February 28, 1931, and in part on or about March 4, 1931, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On March 23, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as might be found by this department to be fit for human consumption to charitable institutions, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18138. Adulteration of scallops. U. S. v. 1 Box, et al., of Scallops. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. Nos. 26385, 26392. I. S. Nos. 28960, 28964. S. Nos. 4364, 4365.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1 box and 1 barrel, containing a total of thirty-six 1-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by C. C. Hine, Cape Charles, Va., on or about February 28, 1931, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On March 23, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as might be found by this department to be fit for human consumption to charitable institutions, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18139. Adulteration of scallops. U. S. v. 1 Barrel of Scallops. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 26379. I. S. No. 20318. S. No. 4141.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Ralph Bowen, Broadwater, Va., on or about January 29, 1931, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On February 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product found by a representative of this department to be fit for human consumption be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18140. Adulteration of scallops. U. S. v. 1 Box, et al., of Scallops. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institutions. (F. & D. Nos. 26378, 26381. I. S. Nos. 29208, 29217. S. Nos. 4494, 4495.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 16 and March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5 boxes, containing a total of fifty-nine 1-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Way Bros., Beaufort, N. C., in part on or about March 13, 1931, and in part on or about March 16, 1931, and had been transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On April 7, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as might be found by this department to be fit for human consumption to charitable institutions, and that any unfit portions be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18141. Adulteration of scallops. U. S. v. 1 Barrel, et al., of Scallops. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institutions or destroyed. (F. & D. Nos. 26377, 26382, 26383, 26384, 26386, 26387, 26394. I. S. Nos. 20301, 20308, 20311, 20312, 20317, 20321, 20322. S. Nos. 4112, 4140, 4142, 4143, 4144, 4368, 4369.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

Between the dates of January 23, 1931 and February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 15 barrels containing two hundred and seven 1-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Preston Lowe, Oyster, Va., in various consignments between the dates of January 22, 1931 and February 24, 1931, and had been transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On February 7, February 17, and March 16, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as were found by this department to be fit for human consumption to various charitable institutions, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18142. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Salt Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26375. I. S. No. 29310. S. No. 4420.)

Samples of butter from the shipment herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of salt butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Southern Dairies (Inc.), Knoxville, Tenn., on or about March 8, 1931, and had been transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salt Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was labeled "Butter," which was false and misleading and deceived and misled the purchaser.

On March 27, 1931, Alex Grossman & Co. (Inc.), New York, N. Y., having appeared as claimant for the property as agent for the Southern Dairies (Inc.), Washington, D. C., owner, and said claimant having filed a stipulation admitting the allegations of the libel and consenting to the entry of a decree, and also having agreed to recondition the product so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so that it should comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18143. Adulteration of scallops. U. S. v. 6 Gallons, et al., of Scallops. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institutions. (F. & D. Nos. 26372, 26373, 26380. I. S. Nos. 20324, 29212, 29213. S. Nos. 4496, 4498, 4499.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 13 and March 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 boxes, containing seventy-seven 1-gallon cans, and 6 gallons of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article has been shipped by R. R. Barbour, Morehead City, N. C., in part on or about March 10, 1931, and in part on or about March 15, 1931, and had been transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On April 7, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as might be found by this department to be fit for human consumption to charitable institutions, and that any unfit portions be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18144. Adulteration and misbranding of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25255. I. S. No. 7565. S. No. 3369.)

Samples of butter from the herein-described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about August 25, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Kendall Cooperative Creamery Co., Kendall, Wis., July 22, 1930, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On August 25, 1930, the National Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18145. Adulteration of canned salmon. U. S. v. 1,252 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25341. I. S. Nos. 1098, 1188, 1189, 1334, 1335, 1339. S. No. 3611.)

Samples of canned salmon from the herein-described shipments having been found to contain tainted and stale fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On November 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,250 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that on or about September 12, 1930, the article had been shipped in interstate commerce by Libby, McNeill and Libby from Karheen, Alaska, into the State of Washington, and charging adulteration in violation of the food and drugs act. The cases containing the article were labeled in part: "Happy Vale Brand Pink Salmon." A portion of the cans were labeled in part: "Happy Vale Brand Pink Salmon Packed for Emery Food Co., Chicago, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 3, 1931, the Emery Food Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that the good portion be separated from the adulterated portion, under the supervision of this department, and the latter destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18146. Adulteration of chestnuts. U. S. v. 25 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25540. I. S. No. 14542. S. No. 3813.)

Samples of chestnuts from the shipment herein described having been found to be wormy and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On December 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of 25 kegs of chestnuts, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by Lee I. Schweiger, from New York, N. Y., on or about November 19, 1930, and had been transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18147. Adulteration of canned sardines. U. S. v. 376 Cases of Admiral Brand American Sardines, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25165, 25166. I. S. Nos. 19651, 19652. S. No. 3388.)

Samples of canned sardines from the shipments herein described having been found to be diseased and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 378 cases of canned sardines, remaining in the original unbroken packages at Waco, Tex., alleging that the article had been shipped by the R. J. Peacock Canning Co., from Lubec, Me., on or about July 5, 1930, and had been transported from the State of Maine into the State of Texas, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Admiral Brand American Sardines * * * Packed by R. J. Peacock Canning Co., Lubec, Maine." The remainder of the said article was labeled in part: "Sea Lion Brand Maine Sardines * * * Packed by Seacoast Canning Co., Eastport, Maine."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed, filthy, putrid, and diseased animal substance.

On November 11, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18148. Adulteration of rabbits. U. S. v. 1 Barrel of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25875. I. S. No. 25374. S. No. 4125.)

The rabbits from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel of rabbits at Chicago, Ill., alleging that the article had been shipped by the Wyaconda Produce Co., from Wyaconda, Mo., January 29, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18149. Adulteration of canned sardines. U. S. v. 439 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25143. I. S. No. 6058. S. No. 3395.)

The product herein described having been found to consist in large part of diseased fish, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On September 27, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 439 cases of canned sardines, remaining in the original

unbroken packages at Terre Haute, Ind., alleging that the article had been shipped on or about June 24, 1930, by the North Lubec Manufacturing & Canning Co., from St. Andrew, New Brunswick, in the Dominion of Canada, into the State of Indiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Eagle Brand American Sardines * * * Packed by North Lubec Manufacturing and Canning Co., Factories—North Lubec and Stonington, Me."

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance; and for the further reason that it was the product of diseased animals.

On May 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18150. Adulteration and misbranding of canned salmon. U. S. v. Robert Damus, Harry Buttnick, Buttnick Manufacturing Co., and Puget Sound Salmon Canning Co. Tried to the court and a jury. Verdict of guilty found against all defendants. Fines, totaling \$2,200. (F. & D. No. 25033. I. S. Nos. 04006, 021549, 021550.)

A large proportion of the canned salmon from the shipments herein described was found upon examination by this department to be putrid, tainted, or stale. Portions of the article were found to be labeled with misrepresentations as to its quality, also as to the name of the packer of the goods.

On September 30, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Robert Damus and Harry Buttnick, individuals, and the Buttnick Manufacturing Co. and Puget Sound Salmon Canning Co., corporations, all of Seattle, Wash., said individuals and corporations trading under the names of R. Damus Co., R. Damus, Broker, and R. Damus, Gen. Basic Prods., alleging shipments by said defendants, in violation of the food and drugs act, in part on or about September 17, 1929, and in part on or about October 22, 1929, from the State of Washington into the State of Georgia, of quantities of canned salmon which was adulterated, and a portion of which was also misbranded. A portion of the shipment of October 22, 1929, was labeled in part: "The Best Red Fish Caught in Alaska Waters * * * Packed By Pacific Coast & Norway Packing Company, Petersburg, Alaska."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance.

Misbranding was alleged with respect to a portion of the article for the reason that the statements, "The Best Red Fish Caught in Alaska Waters," and "Packed By Pacific Coast and Norway Packing Company, Petersburg, Alaska," borne on the cans containing the article, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements represented that the article was the best red fish caught in Alaska waters and was packed by the Pacific Coast & Norway Packing Co., at or near Petersburg, Alaska; whereas it was a poor grade of salmon containing a large proportion of filthy, decomposed, and putrid fish, and was not packed by the Pacific Coast & Norway Packing Co., at or near Petersburg, Alaska.

On March 25, 1931, pleas of not guilty having been entered by or on behalf of the defendants, the case came on for trial before the court and a jury. On March 26, 1931, all evidence having been introduced and arguments of counsel for the Government and defendants having been presented, the case was given to the jury which, after due deliberation, returned verdicts of guilty against the defendants on all counts. The court thereupon rendered judgment imposing a fine of \$300 and three months in jail on Robert Damus, \$350 and seven months in jail on Harry Buttnick, and a fine of \$300 on each of the defendant corporations.

The defendants promptly moved for a new trial, which motion was denied by the court on April 6, 1931, and they were ordered to reappear on April 7, 1931, for re-sentencing. At that time the court imposed fines of \$800 each against Robert Damus and Harry Buttnick, and reimposed the fines of \$300 against each of the defendant corporations.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18151. Misbranding of olive oil. U. S. v. 23 Tins of Olive Oil. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 24925. I. S. No. 956. S. No. 3271.)

Sample cans of olive oil from the shipment herein described having been found to contain less than declared on the label, namely, less than a full gallon, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On July 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tins of olive oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Metropolitan Grocery Co., from Seattle, Wash., on or about July 14, 1930, and had been transported from the State of Washington into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Containing 12 One Gallon Tins;" (can) "Leonetta Brand Extra Virgin Olive Oil Contents One Full Gallon, * * * Metropolitan Grocery Co."

It was alleged in the libel that the article was misbranded in that the statements on the can label, "Contents One Full Gallon," and on the case label, "Containing 12 One Gallon Tins," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On May 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be distributed to some charitable institution by the United States marshal, or destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18152. Adulteration of canned pimientos. U. S. v. 36 Cases of Canned Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25629. I. S. No. 10854. S. No. 3919.)

Samples of canned pimientos from the shipment herein described having been found to be underprocessed, sour, and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 cases of canned pimientos at Centralia, Ill., alleging that the article had been shipped in interstate commerce on or about September 10, 1930, from St. Louis, Mo., by the Pomona Products Co., of Griffin, Ga., through an agent, into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Golden Drip Brand * * * Pimientos Distributed by Empire Distributing Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that it consisted in part of an underprocessed product containing sour, decomposed pimientos.

On April 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18153. Adulteration of canned pimientos. U. S. v. 9½ Cases of Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25650. S. No. 3715.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On January 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine and one-half cases of canned pimientos at Chicago, Ill., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., August 23, 1930, and had been transported from the State of Georgia into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Sunshine Brand Pimientos Grown and Packed by Pomona Products Company, Griffin, Georgia."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18154. Adulteration and misbranding of canned pimientos. U. S. v. 234 Cases of Gulf Kist Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25234. I. S. No. 6785. S. No. 3524.)

Examination of canned pimientos from the shipment herein described having shown that it contained decomposed material, and that it was falsely branded as to the name of the packer and State in which produced, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about January 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 203 cases (subsequently amended to cover 234 cases) of Gulf Kist pimientos, remaining in the original unbroken packages at Bucatunna, Miss., alleging that the article had been shipped by Holloway & Bankston, from Meansville, Ga., on or about September 12, 1930, and had been transported from the State of Georgia into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Gulf Kist Brand Pimientos * * * Packed by Dorgan McPhillips Corp., Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, rendering it unfit for consumption as a food.

Misbranding was alleged for the reason that the statement on the jar label, "Packed by Dorgan McPhillips Corp., Mobile, Ala.," was false and misleading and deceived the purchaser.

On March 25, 1931, a decree was entered ordering that the libel be amended to cover 234 cases of the product seized, and that the product be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18155. Adulteration of canned pimientos. U. S. v. 31 Cases of Canned Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25456. I. S. No. 13678. S. No. 3715.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 8, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 cases of canned pimientos at Chicago, Ill., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., August 23, 1930, and had been transported from the State of Georgia into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Sunshine Brand Pimientos Grown and Packed by Pomona Products Co., Griffin, Georgia."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18156. Adulteration of canned pimientos. U. S. v. 14 Cases of Pimientos. Consent decree of condemnation. Product released under bond. (F. & D. No. 25775. I. S. No. 14867. S. No. 4021.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of pimientos, remaining in the original unbroken packages at Lawrence, Kans., alleging that the article had been shipped by

the Liberty Storage Co., from Kansas City, Mo., on or about September 10, 1930, and had been transported from the State of Missouri into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunshine Brand * * * First Quality Pimientos Pomona Products Co. Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance, totally unfit for the purpose for which it was intended.

The Kryder-Shepard & French Co., Kansas City, Mo., entered an appearance as claimant for the property and consented to the entry of a decree and to execute a bond conditioned that the product be returned to the Pomona Products Co., Griffin, Ga., to be reconditioned under the supervision of this department. On February 13, 1931, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it would not be sold or offered for sale in violation of the laws of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18157. Adulteration and misbranding of olive oil. U. S. v. Hochheiser & Weisberg (Inc.). Plea of guilty. Fine, \$500. (F. & D. No. 23719. I. S. Nos. 24658-x to 24666-x, incl.)

Examination of a product represented to be imported olive oil involved in the interstate shipments herein described showed that it was a domestic product containing a considerable proportion of peanut oil; portions of the article were represented to be olive oil specially adapted for medicinal use, whereas it did not conform to the standard for olive oil prescribed by the United States Pharmacopoeia.

On December 27, 1930, the United States attorney, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the Eastern District of New York an information against Hochheiser & Weisberg (Inc.), a corporation, Brooklyn, N. Y., alleging shipment by said company in violation of the food and drugs act, in various consignments on or about January 24, March 29, May 16, June 1, and June 20, 1928, from the State of New York into the State of New Jersey, of quantities of olive oil which was adulterated and misbranded.

A portion of the article was labeled in part: "Finest Quality Italian Olive Oil Moosalina Brand. This Olive Oil is Guaranteed to be Absolutely Pure Under Chemical Analysis. Pure Olive Oil Packed by Hochheiser & Weisberg, Inc., New York, U. S. A. [or "Packed by H. & W. Inc., Importers, Monopoli, Italy, New York, U. S. A.]." The remainder of the article was labeled in part: "Extra Sublime Pure Imported Italian Olive Oil Blue Star Brand * * * Italian Olive Oil New York U. S. A. The Olive Oil Contained in This Can Is Pressed From Fresh Picked Olives and Is Adapted Specially for Medicinal and Table Use. This Olive Oil Is Guaranteed to be Absolutely Pure. H. & W. Inc. Importers & Packers Lucca, Italy. New York, U. S. A."

It was alleged in the information that the article was adulterated in that a substance, to wit, peanut oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be. Adulteration was alleged with respect to the portion of the article labeled "Blue Star Brand" for the further reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it was a product composed in part of peanut oil, whereas the pharmacopoeia provided that olive oil should be obtained wholly from the ripe fruit of *Olea europaea*; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statements, "Pure Olive Oil" and "Italian Olive Oil," together with the design and device of an olive tree and the Italian flag, borne on the cans containing a portion of the article, and the statements, "Pure Imported Italian Olive Oil" and "Lucca Italy," borne on the cans containing the remainder, were false and misleading in that they represented that the article was pure olive oil and was a foreign product, namely, an olive oil produced in Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the

belief that it was pure olive oil and was a foreign product, namely, an olive oil produced in Italy; whereas it was a product composed in part of peanut oil and was a domestic product, namely, an article produced in the United States of America. Misbranding was alleged for the further reason that the article was composed in part of peanut oil, prepared in imitation of olive oil and was offered for sale and sold under the distinctive name of another article, namely, olive oil; and for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the Blue Star brand for the further reason that it was falsely labeled as to the place where it was manufactured and produced, in that it was labeled as manufactured and produced at Lucca, Italy; whereas it was manufactured and produced in the United States of America.

On January 23, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18158. Adulteration of canned sardines. U. S. v. 150 Cases, et al., of Sardines. Default decree of destruction entered. (F. & D. Nos. 25080, 25081. I. S. Nos. 6101, 6102. S. No. 3364.)

Samples of canned sardines from the shipments herein described having been found to be diseased and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On August 28, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 221 cases of canned sardines, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the R. J. Peacock Co., St. Andrews, Nova Scotia (New Brunswick), on or about June 21, 1930, to Kansas City, Mo., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Admiral Brand American Sardines * * * Packed by R. J. Peacock Canning Co., Lubec, Maine."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 12, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18159. Misbranding of canned rhubarb. U. S. v. 25½ Cases, et al., of Canned Rhubarb. Default decrees of condemnation and destruction. (F. & D. Nos. 25287, 25333. I. S. Nos. 16527, 16528. S. Nos. 3550, 3607.)

Sample cans of rhubarb from the shipments herein described having been found to contain materially less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On November 4 and November 18, 1930, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, libels praying seizure and condemnation of 43½ cases of canned rhubarb, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Frey & Sons (Inc.), from Baltimore, Md., in part on or about October 13, 1930, and in part on or about October 20, 1930, and had been transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Burlington Brand Rhubarb * * * Contents 1 Gallon Packed by Ivans Pettit Burlington, N. J."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Contents 1 Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was not correct.

On May 1, 1931, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18160. Adulteration of Golden egg mix. U. S. v. 60 Cases of Golden Egg Mix. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25963. I. S. No. 12924. S. No. 4212.)

Samples of a product, sold as Golden egg mix, from the shipment herein described having been found to be artificially colored and to contain sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 cases of Golden egg mix, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Nelson Rude & Co., from New York, N. Y., on or about January 13, 1931, and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The statement "Egg Yolk" or "Golden Egg Mix" or both statements appeared on the label.

It was alleged in the libel that the article was adulterated in that a substance consisting in part of reducing sugars, and artificially colored, had been mixed and packed with and substituted in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby inferiority was concealed.

On March 17, 1931, the California Casing Co., and the Bashaw Arey Co., of San Francisco, Calif., having appeared as claimants for the property, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be made to conform to the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18161. Misbranding of crab meat. U. S. v. Forrest-Ryan Seafood Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 25018. I. S. Nos. 03948, 03949, 028629, 028659.)

Samples of crab meat contained in cans, labeled "Net Contents 1 Lb.," from the shipments herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Forrest-Ryan Seafood Co. (Inc.), a corporation, Hampton, Va., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 10, 1929, from the State of Virginia in part into the State of Pennsylvania, and in part into the State of New York of quantities of crab meat which was misbranded.

It was alleged in the information that the article was misbranded in that the statement "Net Contents 1 Lb.," borne on the cans containing the said article, was false and misleading in that the said statement represented that the cans each contained 1 pound net of crab meat, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 pound net of crab meat; whereas the said cans contained less than so represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 3, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18162. Adulteration of tomato puree. U. S. v. 1,045 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25532. I. S. No. 13506. S. No. 3761.)

A large amount of mold having been found in the canned tomato puree from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On December 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,045 cases of tomato puree at Cincinnati, Ohio, consigned by

the Fettig Canning Co., Elwood, Ind., about September 12, 1930, alleging that the article had been shipped from Elwood, Ind., in interstate commerce into the State of Ohio, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Retloc Brand Tomato Puree." The remainder of the said article was labeled in part: "Dandy Line Brand Tomato Puree."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18163. Adulteration of Greek string figs. U. S. v. 25 Boxes of Greek String Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25459. I. S. No. 5921. S. No. 3725.)

Samples of figs from the shipment herein described having been found to be insect-infested and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On December 10, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes of Greek string figs, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by William A. Camp & Co., from New York, N. Y., on or about November 1, 1930, and had been transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Selected String Figs, Packed and Shipped by Seideman and Seideman. * * * S. & S. Athena Brand, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18164. Adulteration and misbranding of raspberry, strawberry, grape, and cherry extracts. U. S. v. 9 Dozen Bottles of Raspberry Extract, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25679, 25680. I. S. Nos. 5054, 5055, 5056, 5057. S. No. 3961.)

Examination of samples of the so-called raspberry, strawberry, grape, and cherry extracts from the shipments herein described having shown that they were imitation fruit extracts, artificially colored, and that the statement of the quantity of the contents, borne on the labels, was not made in terms of liquid measure, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4 dozen bottles of raspberry extract, 9 dozen bottles of strawberry extract, 1 dozen bottles of grape extract, and 9 dozen bottles of cherry extract, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Original Julius Marcus Laboratories (Inc.), from Brooklyn, N. Y., in part on or about May 3, 1930, and in part on or about July 28, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "P G H Brand Raspberry [or "Strawberry" or "Grape" or "Cherry"] Extract Packed for Paul G. Hauschildt Jamaica Plains, Mass. Contents 4 oz. Net."

It was alleged in the libels that the articles were adulterated in that substances deficient in fruit juice and artificially colored and flavored had been mixed and packed therewith so as to reduce and lower their quality and strength, and had been substituted in part for raspberry, strawberry, grape, and cherry extracts which the articles purported to be. Adulteration was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Raspberry Extract," "Strawberry Extract," "Grape Extract," and "Cherry Extract," were false and misleading and deceived and misled the purchaser when applied to articles deficient in fruit juice and which had been artificially colored and flavored; for the further reason that the statement on the label, "Contents 4 oz. Net," was false and misleading and deceived and misled the purchaser, since the statement was not in correct form; for the further reason that the articles were imitations of other articles; for the further reason that the articles were offered for sale under the distinctive names of other articles; and for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 30, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18165. Adulteration and misbranding of fruit beverage materials. U. S.

v. Certain Quantities of Fruit Beverage Materials. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25737. I. S. Nos. 5052, 5053, 5058 to 5067, incl. S. No. 3961.)

The products here involved consisted of sirup for making fruit-flavored beverages and were variously designated as Seven Fruits Syrup; Apricot, Blackberry, or Peach Syrup Supreme; Cherry Bounce, Strawberry, Blackberry, or Raspberry Royale Castle Cordials; Peach Cordial; and Apricot, Blackberry, or Cherry Syrup. All were deficient in fruit juice, and had artificial flavors added. Most of the products contained added acid and all but the Seven Fruits Syrup and the Blackberry Syrup Supreme contained artificial color. In several of the products the statement of the quantity of the contents was not made in terms of liquid measure.

On January 20, 1931, the United States attorney, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the District of Massachusetts a libel praying seizure and condemnation of 13½ dozen bottles of Seven Fruits Syrup, 5½ dozen bottles of Seven Fruits, 3 dozen bottles of blackberry sirup, 33 dozen bottles of apricot sirup, 11½ dozen bottles of peach cordial sirup, 13½ dozen bottles of Royale Castle Cordial Cherry Bounce, 6 dozen bottles of Royale Castle Cordial (2 dozen each of strawberry, blackberry, and raspberry), 16¾ dozen bottles of apricot, 33 bottles of blackberry, and 3 dozen bottles of cherry, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Original Julius Marcus Laboratories (Inc.), from Brooklyn, N. Y., on or about September 19, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

The articles were labeled in part variously: "Seven Fruits * * * Seven Fruits Syrup Not artificially colored, Not artificially flavored, Julius Marcus Co., New York, Detroit, Chicago;" "Blackberry Victoria Brand Pure Blackberry Syrup Supreme Julius Marcus Co. * * * Contents 25 ounces;" "Apricot * * * The Original Julius Marcus * * * Apricot Syrup Supreme Artificial Flavor Colored with Burnt Sugar Prepared by Julius Marcus For the Marcus Laboratories * * * Contents 16 Ounces;" "Peach Syrup Supreme Quality Purity Original and Finest Peach Cordial * * * Contents 1 Pint 9 Ounces Julius Marcus Co.;" "Royale Castle Cordial artificially colored and flavored Cherry Bounce [or "Strawberry," "Blackberry," or "Raspberry"] Original Julius Marcus Laboratories, Inc., Brooklyn, N. Y., Contents 1 pint 9 fl. oz.;" "Standard of Excellence since 1885. The real true-in-flavor quality, Non-Alcoholic, Net Contents 5 oz. * * * Manufactured by Original Julius Marcus Lab. Inc., Brooklyn, N. Y. Colored with burnt sugar * * * Apricot [or "Artificial flavor and color * * * Blackberry" or "Artificial flavor and color * * * Cherry"]."

It was alleged in the libel that the articles, with the exception of the Seven Fruits Syrup, Seven Fruits, and blackberry sirup, were adulterated, since a substance deficient in fruit juice and artificially flavored and colored had been mixed and packed with the articles so as to reduce and lower their quality and strength, and had been substituted in part for the said articles; that the Seven Fruits Syrup and Seven Fruits were adulterated, since a substance deficient in fruit juice and artificially flavored had been mixed and packed with and substituted in part for the articles, and that the blackberry sirup was adulterated, since a substance deficient in fruit juice had been mixed and packed there-

with so as to reduce and lower its quality and strength and had been substituted in part for the said article. Adulteration was alleged with respect to the articles, with the exception of the Seven Fruits Syrup and Seven Fruits and blackberry sirup, for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Seven Fruits Syrup," "Seven Fruits," and the design of fruit and the further statements "Not artificially flavored," were false and misleading and deceived and misled the purchaser thereof when applied to articles deficient in fruit juice and which had been artificially flavored; in that the statement "Pure Blackberry Syrup Contents 25 ounces" was false and misleading and deceived and misled the purchaser thereof when applied to an article deficient in fruit juice and whose declaration of contents was not in correct form; in that the statement "Apricot Syrup Supreme Contents 16 ounces" was false and misleading and deceived and misled the purchaser thereof, when applied to an article deficient in fruit juice and which had been artificially colored and flavored and whose declaration of contents was not in correct form; in that the statement "Peach Cordial Syrup" was false and misleading and deceived and misled the purchaser thereof, when applied to an article deficient in fruit juice and which had been artificially colored and flavored; in that the statements "Cherry Bounce," "Strawberry," "Blackberry," and "Raspberry," appearing on the labeling of the so-called Royale Castle Cordial, were false and misleading and deceived and misled the purchaser thereof, when applied to articles deficient in fruit juice and which had been artificially colored and flavored; in that the statements, "Apricot The real true-in-flavor quality Net Contents 5 oz.," were false and misleading and deceived and misled the purchaser thereof, when applied to an article deficient in fruit juice and which had been artificially colored and flavored and whose declaration of contents was not in correct form; in that the statements, "Blackberry The real true-in-flavor quality Net Contents 5 oz.," were false and misleading and deceived and misled the purchaser thereof, when applied to an article deficient in fruit juice and which had been artificially colored and flavored and whose declaration of contents was not in correct form; in that the statements, "Cherry The real true-in-flavor quality Net contents 5 oz.," were false and misleading and deceived and misled the purchaser thereof, when applied to an article deficient in fruit juice and which had been artificially colored and flavored and whose declaration of contents was not in correct form. Misbranding was alleged for the further reason that the articles were imitations of other articles and were offered for sale under the distinctive names of other articles. Misbranding of the articles, labeled "Pure Blackberry Syrup," "Apricot Syrup Supreme," and the fruit beverage materials, "Apricot," "Blackberry," and "Cherry," was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not in correct form.

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18166. Adulteration of rabbits. U. S. v. 72 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25854. I. S. No. 25363. S. No. 4100.)

The rabbits in the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 rabbits at Chicago, Ill., alleging that the article had been shipped by the Hardin Produce Co., from Hardin, Mo., January 26, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance. Adulteration was alleged for the further reason that the article was the product of diseased animals.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18167. Adulteration of rabbits. U. S. v. 2 Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25853. I. S. No. 25362. S. No. 4097.)

The rabbits from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two barrels of rabbits at Chicago, Ill., alleging that the article had been shipped by Farris & Craig, from Norborne, Mo., January 26, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance. Adulteration was alleged for the further reason that the article was the product of diseased animals.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18168. Adulteration and misbranding of walnuts in shell. U. S. v. 56 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25494. I. S. Nos. 13696, 13697. S. No. 3780.)

Samples of walnuts from the shipment herein described having been found to be wormy, decomposed, rancid, moldy, and shriveled, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 bags of walnuts in shell at Chicago, Ill., alleging that the article had been shipped by the Bristol Gustafson Brokerage Co., from Minneapolis, Minn., December 17, 1929, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bag) "Cob Brand California Walnuts Bleached and Packed by Bashaw Arey Co. San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18169. Adulteration of dried egg yolk. U. S. v. 10 Cases of Dried Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25820. I. S. No. 14667. S. No. 3973.)

The dried egg yolk from the shipment herein described having been found to be artificially colored and to contain sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of dried egg yolk at Chicago, Ill., alleging that the article had been shipped by Kushner & Co., from New York, N. Y., December 19, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Wurm Bros. Chicago. * * * San Francisco, Option from China."

It was alleged in the libel that the article was adulterated in that a substance consisting of reducing sugar and artificial color had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted partly for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby damage or inferiority was concealed.

On April 17, 1931, Wurm Bros., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, for relabeling under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18170. Adulteration and misbranding of canned turnip greens. U. S. v. 157 Cases of Canned Turnip Greens. Decree of condemnation entered. Product released under bond. (F. & D. No. 25836. I. S. Nos. 17176, 19670. S. No. 4072.)

Examination of the canned turnip greens from the shipment herein described having shown that the product was partly sour and decomposed, and that the label bore unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On or about February 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 157 cases of canned turnip greens at Waco, Tex., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 25, 1930, and had been transported from the State of Georgia into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Sunshine Brand First Quality Turnip Greens, Greens Are High in Iron Content. Eat Greens to Insure Good Health. Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the cans, "Eat Greens to Insure Good Health," was false and fraudulent.

On February 25, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be returned to the factory of the claimant at Griffin, Ga., and reconditioned and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18171. Adulteration of dressed chickens. U. S. v. 9 Barrels and 1 Box of Dressed Chickens. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25566. I. S. No. 16348. S. No. 3858.)

Samples of dressed chickens from the shipment herein described having been found to be decomposed, emaciated, and diseased, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine barrels and one box of dressed chickens at Chicago, Ill., alleging that the article had been shipped by Hyde & Co., from Kansas City Mo., December 11, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance. Adulteration was alleged for the further reason that the article was the product of diseased animals.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18172. Adulteration of dressed chickens. U. S. v. 7 Barrels of Dressed Chickens. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25299. I. S. No. 13485. S. No. 3567.)

The dressed chickens from the shipment herein described having been found to consist largely of diseased birds, some of which had generalized tuberculosis,

the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped by the Litchfield Produce Co., from Litchfield, Minn., December 11, 1929, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance. Adulteration was alleged for the further reason that the article was the product of diseased animals.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18173. Adulteration of canned salmon. U. S. v. 75 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25178. I. S. No. 6778. S. No. 3444.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Alabama.

On October 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 cases of canned salmon at Tuscaloosa, Ala., alleging that the article had been shipped by the Sargeant Paup Co., from Seattle, Wash., on or about August 5, 1930, and had been transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Purchase Brand Pink Salmon, Distributed by Sargeant Paup Co., Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On March 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18174. Adulteration of tomato catsup. U. S. v. 400 Cases, et al., of Queen's Taste Brand Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25373, 25374. I. S. No. 14253. S. No. 3652.)

Samples of tomato catsup from the shipment herein described having been found to contain a large amount of mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On November 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 900 cases of tomato catsup, located at or near Leavenworth, Kans., alleging that the article had been shipped by the Rush Canning Co., from Bentonville, Ark., on or about October 8, 1930, and had been transported from the State of Arkansas into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Queen's Taste Brand Catsup. * * * Packed by Rush Canning Co. Washburn, Missouri."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance totally unfit for the purpose for which it was intended.

On March 3, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18175. Adulteration of canned pimientos. U. S. v. 116 Cases of Pimientos. Default decree of condemnation and destruction. (F. & D. No. 25472. I. S. No. 17502. S. No. 3747.)

Samples of pimientos in glass from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On December 13, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 116 cases of pimientos, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 8, 1930, and had been transported from the State of Georgia into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunshine Brand * * * First Quality Pimientos Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid vegetable substance.

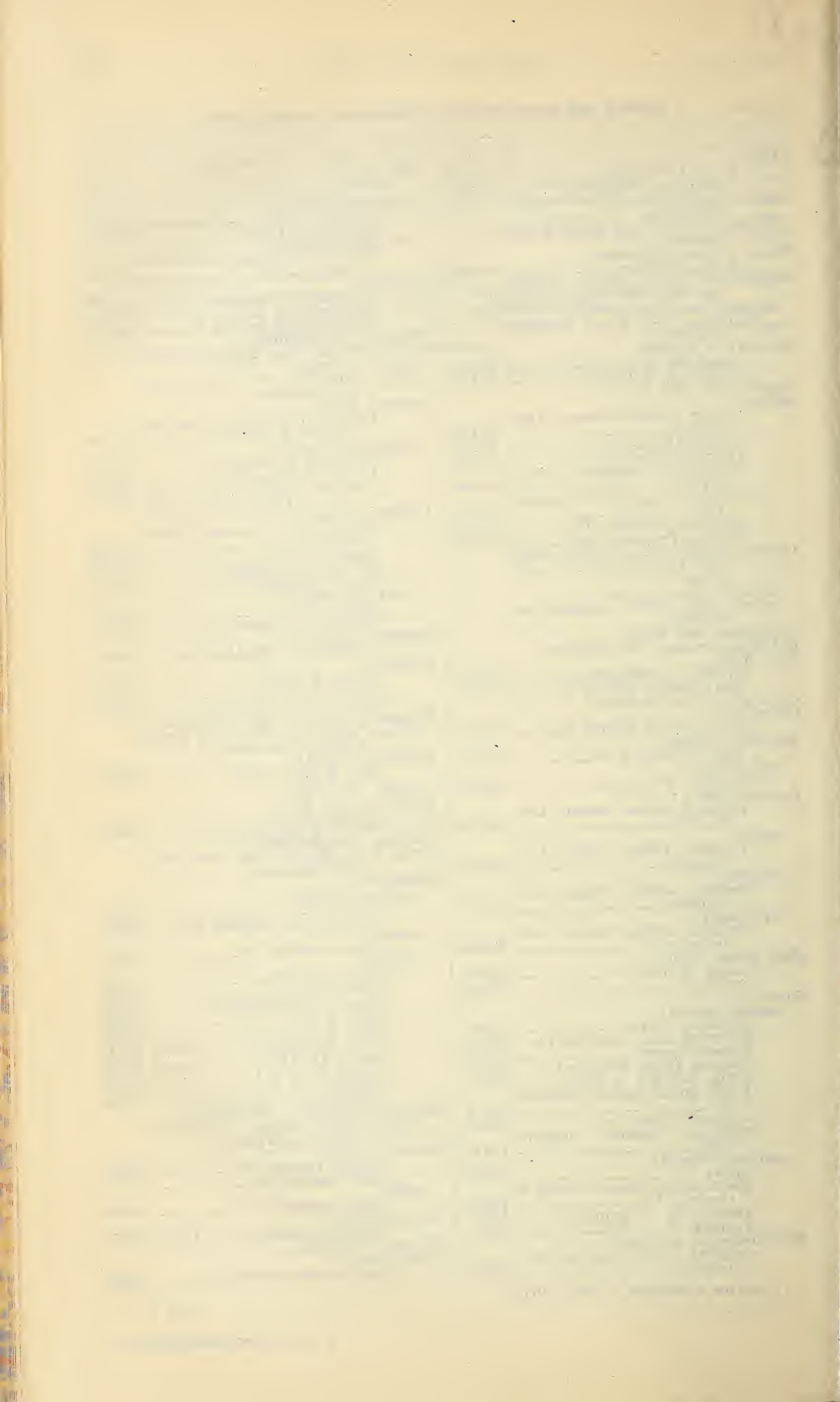
On March 10, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 18101-18175

Apples :	N. J. No.	Grape extract. <i>See</i> Extracts.	N. J. No.
Fruit Exchange -----	18111	Nuts, Brazil :	
Wenatchee Produce Co.-----	18102	Wilson, Andrew -----	18112
Apricot Syrup. <i>See</i> Fruit beverage materials.		chestnuts, Italian :	
Supreme. <i>See</i> Fruit beverage materials.		Muller, E. R. -----	18108
Beans, canned stringless :		Schweiger, Lee I.-----	18146
Runions, Henley -----	18115	walnuts in shell :	
Blackberry Royale Castle cordial. <i>See</i> Fruit beverage materials.		Bristol Gustafson Brokerage Co.-----	18168
Syrup. <i>See</i> Fruit beverage materials.		Olive oil :	
Supreme. <i>See</i> Fruit beverage materials.		Hochheiser & Weisberg (Inc.)--	18157
Blueberries, canned :		Mallars & Co.-----	18104
Caler, M. L.-----	18113	Metropolitan Grocery Co.-----	18151
Loggie, A. & R., Co.-----	18119	Oysters. <i>See</i> Shellfish.	
Brazil nuts. <i>See</i> Nuts.		Peach cordial. <i>See</i> Fruit beverage materials.	
Butter :		Syrup Supreme. <i>See</i> Fruit Beverage materials.	
Center Valley Creamery Association -----	18129	Peaches, dried :	
Dexter Creamery -----	18130	California Prune & Apricot Growers Association.-----	18120
Glennville Creamery Co.-----	18126	Pimientos, canned :	
Humboldt Cooperative Creamery Co.-----	18128	Holloway & Bankston.-----	18154
Kendall Cooperative Creamery Co.-----	18144	Liberty Storage Co.-----	18156
Southern Dairies (Inc.)-----	18142	Pomona Products Co.-----	18114, 18152, 18153, 18155, 18175
Winona Creamery Co.-----	18107	Poultry, dressed :	
Cherry Bounce Royale Castle cordial. <i>See</i> Fruit beverage materials.		Chicago Cold Storage Warehouse Co.-----	18122
extract. <i>See</i> Extracts.		Kwapil, F. J.-----	18116
syrup. <i>See</i> Fruit beverage materials.		St. Ansgar Product Co.-----	18125
Chestnuts. <i>See</i> Nuts.		Ziegler, Sanford.-----	18123
Chickens, dressed. <i>See</i> Poultry.		chickens, dressed :	
Corn flour :		Hyde & Co.-----	18171
Griffith Laboratories -----	18103	Litchfield Produce Co.-----	18172
Scott County Milling Co.-----	18101	Prunes, canned :	
Crab meat. <i>See</i> Shellfish.		Paulus Bros. Packing Co.-----	18124
Cream meal :		Rabbits :	
Scott County Milling Co.-----	18101	Farris & Craig.-----	18167
Egg mix, Golden :		Hardin Produce Co.-----	18166
Rude, Nelson, & Co.-----	18160	Wyaconda Produce Co.-----	18148
yolk, dried :		Raspberry extract. <i>See</i> Extracts.	
Kushner & Co.-----	18169	Royale Castle cordial. <i>See</i> Fruit beverage materials.	
Extract, cherry :		Rhubarb, canned :	
Original Julius Marcus Laboratories.-----	18164	Frey & Sons (Inc.)-----	18159
grape :		Salmon. <i>See</i> Fish.	
Original Julius Marcus Laboratories.-----	18164	Sardines. <i>See</i> Fish.	
raspberry :		Sausage binder flour :	
Original Julius Marcus Laboratories.-----	18164	Griffith Laboratories -----	18103
strawberry :		Scallops. <i>See</i> Shellfish.	
Original Julius Marcus Laboratories.-----	18164	Seven Fruits Syrup. <i>See</i> Fruit beverage materials.	
Figs, Greek string :		Shellfish-----	
Camp, William A.-----	18163	crab meat, fresh :	
Sokol Co.-----	18109	C. C. Co.-----	18117
Fish-----		Forrest-Ryan Seafood Co.-----	18161
salmon, canned :		oysters :	
Buttnick, Harry.-----	18150	Castle Packing Co.-----	18105
Buttnick Manufacturing Co.-----	18150	scallops :	
Damus, Robert.-----	18150	Barbour, R. R.-----	18143
Douglas Island Packing Co.-----	18118	Bowen, Ralph.-----	18139
Libby, McNeill, & Libby.-----	18145	Cape Charles Seafood Co.-----	18132
Puget Sound Salmon Canning Co.-----	18150	Hine, C. C.-----	18138
Sargeant Paup Co.-----	18173	Hine, U. W.-----	18137
Wrangell Packing Corporation.-----	18110	Lowe, Preston.-----	18131, 18141
sardines, canned :		Smith, H. Allen.-----	18136
Brawn Co.-----	18106	Smith, S. F., & Co.-----	18135, 18136
North Lubec Manufacturing & Canning Co.-----	18149	Steelman, E. J.-----	18134
Peacock, R. J., Canning Co.-----	18147	Way Bros.-----	18140
Peacock, R. J. Co.-----	18158	Strawberry extract. <i>See</i> Extracts.	
Fruit beverage materials :		Royale Castle cordial. <i>See</i> Fruit beverage materials.	
Original Julius Marcus Laboratories.-----	18165	Tomato catsup :	
		Frazier Packing Co.-----	18121
		Rush Canning Co.-----	18174
		puree :	
		Fettig Canning Co.-----	18162
		Turnip greens :	
		Pomona Products Co.-----	18127, 18170
		Walnuts. <i>See</i> Nuts.	
		Wheat flour :	
		Scott County Milling Co.-----	18101

¹ Contains a decision of the court.



★ NOV 9 1931 ★

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18176-18200

[Approved by the Secretary of Agriculture, Washington, D. C., October 15, 1931]

18176. Adulteration and misbranding of B. & M. external remedy. U. S. v. 8 Dozen Bottles, et al., of B. & M. External Remedy. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23295, 23296, 23297, 23303, 23304, 23305, 23306, 23307, 23308, 23309, 23312, 23316, 23317, 23328, 23330, 23987, 23992, 23993, 23994, 1. S. Nos. 0118, 07409, 015538, 015539, 021312, 021313, 021314, 021315, 022396, 022397, S. Nos. 1387, 1388, 1389, 1390, 1397, 1426, 1427, 1429, 1431, 1434, 1441, 1442, 1455, 1456, 2268, 2271, 2272.)

Examination of samples of B. & M. external remedy showed that the bottle label, the carton containing the bottle, and a booklet contained in the carton bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Tests of the germicidal properties of the article showed that it fell below the professed standard of strength claimed for it in the labeling. As a result of these examinations the Secretary of Agriculture reported to the proper United States attorneys in various Federal judicial districts the facts on which the libels herein described were predicated.

Between January 3 and January 14, 1929, libels were filed in the United States District Courts for the Districts of Maryland, Southern New York, Western Pennsylvania, Eastern Pennsylvania, Colorado, Northern California, Southern Florida, Western New York, and Maine, praying seizure and condemnation of certain quantities of the product, in various lots at Baltimore, Md., New York, N. Y., Pittsburgh, Pa., Philadelphia, Pa., Denver, Colo., Oakland, Calif., Miami, Fla., Buffalo, N. Y., and Portland, Me., respectively. On September 5 and September 7, 1929, further libels were filed in the Districts of Maryland, Eastern Pennsylvania, and Western Pennsylvania, praying seizure of quantities of the product located at Baltimore, Md., Philadelphia, Pa., and Pittsburgh, Pa. The libels alleged that the article, totaling 207½ dozen 8-ounce bottles and 210 dozen 4-ounce bottles, had been shipped from Boston, Mass., between the dates of August 30, 1928 and August 30, 1929, in part by the National Remedy Co., and in part by the same firm whose name at the time of the later shipments had been changed to the F. E. Rollins Co. The libels further alleged that the article had been shipped in interstate commerce, that it remained in the original unbroken packages and that it was adulterated and misbranded in violation of the Federal food and drugs act as amended.

Adulteration of the article was alleged in the libels for the reason that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that certain statements on the carton and bottle labels, and in the printed booklet accompanying the article, were false and misleading. Misbranding was alleged for the further reason that certain statements, designs, and devices, appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. The statements in the labeling on which the adulteration and misbranding charges were based were attached to and incorporated in the libels and made a part thereof, and are appended hereto.

Chemical analysis of the product showed that it consisted essentially of turpentine oil, ammonia, eggs, hexamethylenatratramin, a phenolic compound, a salicylate, thiosinamine, and water. Bacteriological examination showed that it had a phenol coefficient of less than 0.2, that is, it was about one-fifth as potent as a germicide as is carbolic acid.

In practically all of the districts in which seizure of the product had been accomplished, the National Remedy Co. filed a claim and answer denying that the article was adulterated and misbranded as alleged in the libels. On motion of the United States attorney for the District of Maryland the four seizure proceedings instituted in that district were consolidated into one cause of action for trial. Before the cases were reached for trial, however, the F. E. Rollins Co., formerly known as the National Remedy Co., through counsel entered into a stipulation with the Government agreeing to withdraw its claim in each of the cases, and at the same time consenting to the condemnation and forfeiture of the product.

Between the dates of April 6 and April 18, 1931, claims having been withdrawn in all pending cases and consent to the entry of decrees having been filed, judgments of condemnation and forfeiture were entered, and it was ordered by the various district judges that the product be destroyed by the United States marshal. Through failure of the claimant to enter an appearance in the case at Denver, Colo., within the time provided by law, default decree of condemnation, forfeiture, and destruction had been entered on December 14, 1929.

The statements incorporated in the libels as a basis for the charge that the article was adulterated in that its strength fell below the professed standard under which it was sold were as follows: (Portion of cartons) "Phenol Coefficient 6.22 (Hygienic Laboratory Method);" (all cartons) "An efficient agent for destruction of the micro-organisms causing Tuberculosis, Pneumonia, Influenza, Pleurisy, Bronchitis, Laryngitis, Coughs, Colds, Catarrh, Blood poisoning from external infections. Other Germ Diseases * * * Destroys tubercle bacilli in lungs, glands, joints or bowels;" (carton, bottle label, and booklet) "Penetrating germicide;" (booklet) "A new chemical compound * * * six times as germicidal as carbolic acid * * * Neutralizes bacterial poisons by chemical combinations * * * Destroys bacterial organisms by chemical action * * * Distinct chemical phenomena observed during the process of manufacture and analyses show the formation of a new chemical compound * * * The phenol coefficient is 6.22 (Hygienic laboratory method.) Its full strength is nearly 125 times as germicidal as the strongest solution of carbolic acid (5%) used on the human skin. A 2% solution kills all tested disease-producing bacteria. * * * It penetrates to nearly, if not all, parts of the body. It is even carried through the blood stream without material loss of germicidal efficiency * * * By chemical combination the poisons secreted by the germs are neutralized and the organisms destroyed * * * Experimental animals (guinea-pigs and rabbits) have been inoculated with Tubercle bacilli, Streptococci pyogenes, Streptococci hemolyticus, Bacillus influenzae and Pneumococci, Types, I, II, III, IV; when the symptoms of the infection were fully pronounced, the animals were treated with the preparation at the seat of infection, and all were freed from the infection within six days; * * * Each application destroys a part of the germs and the growth of the remaining ones is inhibited for about an hour if tubercle bacilli, or three to four hours if other organisms. If a subsequent application is made before activity is resumed, the infection will not increase. Tubercle Bacilli * * * these germs are * * * easily reached with B & M. * * * Mixed infections * * * when the germs are destroyed by B & M. * * * Under B & M External Remedy treatment of cases which recover the disease germs are destroyed and with their products may be entirely eradicated from the lungs. * * * For large or acute infections, during the first day or two of treatment, make the applications every two or three hours, each of a dozen or more spreadings, in order to quickly destroy a great number of germs * * * As the number of germs is reduced, the virulence of the remaining ones is also reduced. * * * For mixed infections * * * These germs * * * being in the blood and going with it to all parts of the body, B & M must get them as they reach the point of application * * * germs will be reached and destroyed by application to the lung area * * * B & M neutralizes the toxins * * * B & M properly used, destroys the pneumococcus, the pneumonia-producing germ, of any type * * * The influenza bacillus * * * To destroy such germs quickly it is necessary to use B & M freely * * * Pleurisy * * * applications destroy the infection * * * Rheumatic fever * * * If B & M is properly used at the first attack the infection will be destroyed. * * * infection of the kidneys * * * the germs are easily reached and destroyed."

The statements appearing in the labeling which the libels charged were false and misleading were as follows: (Portion of cartons) "Phenol coefficient 6.22 (Hygienic Laboratory Method);" (all cartons) "An efficient agent for the destruction of the micro-organisms causing Tuberculosis, Pneumonia, Influenza, Pleurisy, Bronchitis, Laryngitis, Coughs, Colds, Catarrh, Blood Poisoning from External Infections. Other Germ Diseases * * * Destroys tubercle bacilli in lungs, glands, joints or bowels;" (carton, bottle label, and booklet) "Penetrating germicide;" (booklet) "A new chemical compound * * * six times as germicidal as carbolic acid, neutralizes bacterial poisons by chemical combinations, destroys bacterial organisms by chemical action. * * * Distinct chemical phenomena observed during the process of manufacture and analyses show the formation of a new chemical compound. * * * The phenol coefficient is 6.22 (Hygienic laboratory method.) Its full strength is nearly 125 times as germicidal as the strongest solution of carbolic acid (5%) used on the human skin. A 2% solution kills all tested disease-producing bacteria. * * * It penetrates to nearly, if not all parts of the body. It is even carried through the blood stream without material loss of germicidal efficiency. * * * By chemical combination the poisons secreted by the germs are neutralized and the organisms destroyed. A definite number of B. & M. units destroys a definite number of organisms. * * * Experimental animals (guinea-pigs and rabbits) have been inoculated with Tubercle bacilli, Streptococci pyogenes, Streptococci hemolyticus, Bacillus influenzae and Pneumococci, Types I, II, III, IV; when the symptoms of the infection were fully pronounced; the animals were treated with the preparation at the seat of infection, and all were freed from the infection within six days; * * * The hydrogen-ion concentration of the blood of patients under treatment with B. & M. is materially changed, further demonstrating the penetration properties of the preparation. * * * In my opinion, any poisonous germ which affects the human body should be destroyed by the use of this preparation. * * * So far as we are informed, B. & M. External Remedy is the only known penetrating germicide. It passes through the skin, the tissues, the fluids or the bones to all parts of the body except, possibly, the brain. * * * B. & M. chemically combines with the poisons of pathogenic germs in the same manner as hydrogen with oxygen, so many units of the one with so many units of the other, neutralizing the poisons and destroying the germs. A sufficient quantity in contact with the germs present would kill the entire infection at once, but unless the infection is very small, the necessary amount cannot be absorbed through the skin at a single application. Each application destroys a part of the germs and the growth of the remaining ones is inhibited for about an hour if tubercle bacilli, or three to four hours if other organisms. If a subsequent application is made before activity is resumed, the infection will not increase; * * * The scabs and exudates incident to the chemical action contain liquefied germs and their neutralized poisons which come out through the skin by osmotic pressure. Tests of these exudates and the urine of patients suffering from lung infection while using the preparation, have shown conclusively that the preparation is a penetrating germicide. * * * The problem has been, and is, to reach the germs with some agent which will destroy them without injury to the body tissues. This can be accomplished only by a non-poisonous penetrating germicide. * * * Tubercle bacilli * * * these germs usually attack the apices of the lungs, sometimes the middle lobe, but seldom are found in the lower lobes; that they live upon and destroy the lung tissue, creating cavities and causing hemorrhages when the destructive process reaches a blood vessel; that they secrete a poison which is thrown off during life and at first passes from the system through the natural channels; as the quantity increases, it is accumulated in the blood stream and its toxic effects carried to every part of the body; these germs are generally localized and easily reached with B. & M. * * * Mixed infections * * * when the germs are destroyed by B. & M. * * * These germs being in the blood stream, wherever on the body applications are made, eruptions are likely to appear sometimes in the form of small blisters or festers, discharging a watery gelatinous fluid, and sometimes with pus often having the color characteristic of the particular type of germs present. White pus may indicate the presence of the Streptococcus pyogenes (pus-forming); green color, the Streptococcus viridans (green); yellow color, the Staphylococcus aureus (yellow) and a bloody tinge, the Streptococcus or Staphylococcus hemolyticus. These exudates are not infectious. * * * by eradicating the germs and their

products from the lungs * * * The time necessary to accomplish such a result will depend upon the size and character of the infection, the quantity of B. & M. used and the frequency of application. * * * Under B. & M. External Remedy treatment of cases which recover the disease germs are destroyed and with their products may be entirely eradicated from the lungs; * * * to destroy the germs * * * in advanced cases. * * * For large or acute infections * * * to quickly destroy a great number of germs. * * * The first spreading of each application to eruptions or sores causes smarting * * * from the continued irritation of the neutralized poisons. As the number of germs is reduced, the virulence of the remaining ones is also reduced. * * * the poisons of the most virulent types will sting when coming out. * * * The eruptions indicate where the germs are located and tubercle bacilli will not be found elsewhere. * * * In the opinion of the chemist, one daily application is not sufficient to kill the germs as fast as they multiply; two daily applications will make some gain, and three are necessary to rapid progress. * * * For Mixed Infections. These germs being generally present in much greater numbers than tubercle bacilli, more B. & M. is necessary to destroy them; if, like the tubercle bacilli, they remained in one place, they could be just as easily reached and destroyed; being in the blood and going with it to all parts of the body, B. & M. must get them as they reach the point of application; * * * germs will be reached and destroyed by application to the lung area, * * * applications * * * may be * * * made to the abdomen, the back and the lower limbs * * * and the number of germs will not have increased * * * the germs and poisons are eliminated * * * B. & M. neutralizes the toxins. * * * Tuberculosis of cervical (neck) glands * * * being near the surface, the germs are easily reached and destroyed. * * * Tuberculosis of the throat * * * a spray consisting of one part B. & M. and nineteen parts water used in an atomizer * * * will generally destroy the germs. * * * Tuberculosis of the kidneys Kidney infections * * * being near the surface are * * * reached by B. & M. and * * * destroyed. * * * By careful, exhaustive chemical tests, confirmed by animal experimentation, the chemist has found that B. & M., properly used, destroys the pneumococcus, the pneumonia-producing germ * * * The chemist reports as follows: Various investigations were made by inoculating experimental animals (guinea-pigs and rabbits) with pneumococci of types I, II and IV, mixed with Streptococci pyogenes, tubercle bacilli, bacillus influenza and bacillus diphtheriae. The animals were carefully observed and when the symptoms of lobar pneumonia fully appeared, they were treated with the preparation under examination, namely, B. & M. External Remedy. A careful check on the blood stream was made to determine the inhibition and destruction of the pathogenic organisms. In every instance * * * the blood stream was free of all inoculated micro-organisms within six days after this, applying the preparation every three hours, four successive doses each day. * * * Subsequently the chemist secured a strain of type III, made investigations and reported as follows: Of the four types of pneumococcus, type III is the most deadly and resistant. When guinea-pigs, inoculated with this type, had reached a state of partial collapse, B. & M. was applied; in three hours the temperature had subsided, indications of pain were absent, and the animals were resting comfortably; in twenty-three hours they were eating well and four days later, no germs were found in the blood. * * * In our clinic, two advanced pneumonia cases, the one having a temperature of 103.6 and the other of 104.2 degrees, were treated by applications of B. & M. every two hours. One hour after the second application the temperature of each had fallen one degree. After six applications and twelve hours after the first, the temperature of each was normal. * * * Pneumonia * * * On Monday * * * my temperature 104. My friends knowing of your B. & M. External Remedy * * * decided to use the remedy * * * On Tuesday * * * the temperature normal. * * * a new chemical compound which goes through the skin directly to the lungs and removes the congestion. * * * The influenza bacillus * * * To destroy such germs quickly it is necessary to use B. & M. freely * * * until the fever is abated * * * until eruptions are healed indicating that the germs are destroyed. * * * Bronchitis * * * As in tuberculosis, B. & M. destroys the germs and their poisons come out through the skin making it sore. When the germs are destroyed and the poisons eliminated * * * Pleurisy * * * an application continued twenty to thirty minutes. Further applications destroy the infection. * * * Colds and coughs * * * If the remedy is used when

the first symptoms appear * * * the germs will be confined to the point of infection. * * * Rheumatic fever * * * an abscess or sore upon the heart valves * * * which heals and leaves scar tissue * * * If B. & M. is properly used at the first attack the infection will be destroyed before the valves are injured. If used after the fourth attack, which would otherwise be fatal, we should hope that the scar tissue would be dissolved and the valves restored to practically normal action. * * * An infection of the kidneys is generally small and the germs are easily reached and destroyed. * * * If eruptions appear B. & M. has reached some harmful germs or poisons and applications should be continued until the eruptions cease."

The statements in the labeling which the libels charged were false and fraudulent were as follows: (Carton) "The Penetrating Germicide * * * An Efficient Agent for the Destruction of the Micro-organisms causing Tuberculosis, Pneumonia, Influenza, Pleurisy, Bronchitis, Laryngitis, Coughs, Colds, Catarrh, Blood Poisoning from External Infections, Other Germ Diseases * * * Relieves Nervous or Neuralgic Headache * * * Is a sovereign remedy for Colds and Coughs. For Influenza or Pneumonia, if its proper external use is combined with the skillful physician's internal treatment, experience indicates that recovery is practically certain. * * * Rheumatism, Lumbago, Neuritis, Neuralgia * * * Bites of Poisonous Insects, Destroys Tubercle Bacilli in Lungs, Glands, Joints or Bowels. Arrests the Action of Pneumonia or Influenza Germs in a few hours. Affords immediate relief and speedy recovery in Rheumatic Fever. * * * External Remedy, applied to the skin, Penetrates directly to the seat of the trouble without disturbing action of the digestive organs. Pain is often banished during application;" (bottle label) "The Penetrating Germicide for Tuberculosis, Pneumonia, Laryngitis, Bronchitis, Pleurisy, Influenza, La Grippe, Asthma, Coughs, Colds, Catarrh, Rheumatism, Lumbago, Neuritis, Neuralgia, Locomotor Ataxia, Blood Poisoning * * * Bites of Poisonous Insects * * * The greater the quantity and frequency of application, the more speedy the results * * * it may * * * hinder subsequent penetration. * * * Tuberculosis of the Lungs: To avoid annoyance from the fumes, the patient may lie down. Pour the germicide upon the surface to be treated and spread upon the throat, chest, sides and back down to the waist line. In like manner apply at least three times daily until the lungs are cleared. Tuberculosis of Other parts of the Body * * * Pneumonia and Bronchial Asthma: Apply as for Tuberculosis of the Lungs hourly until relieved; thereafter every three hours until recovery; inhale freely if practicable. Influenza: Apply as for pneumonia to the chest, abdomen and entire back, or wherever there is pain, inhale freely. Tonsillitis: Apply to the throat, the back of the neck and about the ears at least three times daily. Spray the throat with a 5% solution (one part B. & M., nineteen parts water), * * * Bronchitis, Laryngitis, Coughs and Soreness of the Throat or Chest: Apply to throat and chest three times daily; spray the throat. Head Colds and Nasal Catarrh: Apply to forehead, temples, throat and about the ears; spray throat and nose. Rheumatism, Lumbago, Neuritis: Apply three times or more daily over the painful parts. External Blood Poisoning: Apply over the infected parts continuously or twenty minutes or more; then in the usual manner hourly until relieved. Neuralgia * * * Bites of Insects, Local Injuries, Pain or Inflammation: Apply to the painful parts as soon as possible;" (booklet) "Hope * * * The Penetrating Germicide * * * Tuberculosis, Pneumonia, Influenza, Pleurisy, Colds, Coughs, Asthma, Bronchitis, Rheumatism, Lumbago, Neuralgia, Neuritis, Blood Poisoning, Locomotor Ataxia, Varicose Veins, Bites of Poisonous Insects * * * The Penetrating Germicide, Neutralizes Bacterial Poisons by Chemical Combinations * * * Penetrating Germicide * * * And its marvelous efficiency in the treatment of tuberculosis demonstrated in 1913." (The booklet accompanying portions of the product differed slightly from those in the remainder, the statements immediately preceding being replaced by the following: "Hope * * * The Penetrating Germicide * * * Tuberculosis, Pneumonia, Influenza, Coughs, Colds and other germ diseases * * * The Penetrating Germicide * * * Neutralizes Bacterial Poisons by Chemical Combinations * * * Penetrating Germicide * * * and its marvelous efficiency in the treatment of tuberculosis demonstrated in 1913.") The following statements from the booklet were incorporated in all the libels: "It penetrates to nearly, if not all parts of the body. It is even carried through the blood stream without material loss of germicidal efficiency. Deep penetration requires full strength and several spread-

ings; half strength (half water) penetrates about half as far as full strength. By chemical combination the poisons secreted by the germs are neutralized and the organisms destroyed. A definite number of B. & M. units destroys a definite number of organisms. Experimental animals (guinea-pigs and rabbits) have been inoculated with Tubercle bacilli, Streptococci pyogenes, Streptococci hemolyticus, Bacillus influenzae and Pneumococci, Types I, II, III, IV; when the symptoms of the infection were fully pronounced, the animals were treated with the preparation at the seat of infection, and all were freed from the infection within six days; * * * their neutralized poisons which come out through the skin by osmotic pressure. Tests of these exudates and the urine of patients suffering from lung infection while using the preparation, have shown conclusively that the preparation is a penetrating germicide. The Hydrogen-ion concentration of the blood of patients under treatment with B. & M. is materially changed, further demonstrating the penetration properties of the preparation. In my opinion, any poisonous germ which affects the human body should be destroyed by the use of this preparation. * * * We now have the results from actually treating with B. & M. far-advanced cases of tuberculosis in a clinic conducted by men of unimpeachable standing and according to the highest professional standards. The testimonials concerning tuberculosis give place to an abstract of the history with x-rays of a typical case; the x-rays cannot lie. On October 19, 1927, owing to great weakness, the patient was brought into the clinic on a stretcher. He had used tobacco and alcoholic drinks to excess and coffee moderately; he had been treated at several hospitals for acute alcoholism. The diagnosis of the physician in charge was tuberculosis in the third stage; at a consultation of physicians it was their unanimous opinion that he could not survive beyond ten weeks. Routine treatment consisted of about one ounce of B. & M. applied four times each day; first to the chest, second to the upper back, third to the lower back, and fourth to the chest again. After one month x-ray examination apparently showed even more involvement of both lungs; three months later another x-ray examination showed some improvement. About March 1, on examination, it was found that the patient had gained weight rapidly; chest entirely cleared, and he was free from all physical symptoms of tuberculosis. After considerable discussion, the several physicians interested were convinced that fibrosis had set in, which might erroneously have been considered as additional involvement of the lungs, but after examination of animals whose tissues had undergone the same treatment, it was found that new living tissue was being formed. On April 10, the patient was considered clinically free from all symptoms of the infection, * * * About a month later he was discharged as clinically well. His weight had increased eighteen pounds during treatment; he lived on a high caloric diet. * * * penetrating germicide. It passes through the skin, the tissues, the fluids or the bones to all parts of the body except, possibly, the brain. The depth of penetration depends upon the strength and quantity used; full strength about twice as far as half strength; * * * Its action is simply a matter of chemistry. B. & M. chemically combines the poisons of pathogenic germs in the same manner as hydrogen with oxygen, so many units of the one with so many units of the other, neutralizing the poisons and destroying the germs. A sufficient quantity in contact with the germs present would kill the entire infection at once, but unless the infection is very small, the necessary amount cannot be absorbed through the skin at a single application. Each application destroys a part of the germs and the growth of the remaining ones is inhibited for about an hour if tubercle bacilli, or three to four hours if other organisms. If a subsequent application is made before activity is resumed, the infection will not increase; if postponed twenty-four hours, the increase may be greater than the destruction. The disintegration of the germs may be observed under the microscope when the preparation is allowed to come in contact with pure bacteria under a glass cover. Lung Infections. It is said that the germs causing lung infections are of several types, they secrete poisons which accumulate in the system, irritate the nerves, cause a tired feeling, loss of appetite, emaciation, anemia, high temperature and rapid pulse; that when one type has overcome the natural resistance, other types find easy entrance. Recent observation and correspondence, together with examinations of sputum and exudates, have revealed the fact that a large percentage of the so-called tubercular cases which have come to our attention were mixed infections (generally the after-effects of Influenza or Pneumonia, in many cases dating back to the epidemics of 1917, '18 and '19) scarlet fever, measles or other germ diseases (in some cases dating back to childhood). We understand that such conditions are frequently called

'Incurable Tuberculosis;' that an extended bacteriological examination of the sputum might show the type of each germ present, but a complete classification would neither materially change the treatment nor help the patient. The problem has been, and is, to reach the germs with some agent which will destroy them without injury to the body tissues. This can be accomplished only by a non-poisonous penetrating germicide. Tubercle Bacilli Only. It is said that these germs usually attack the apices of the lungs, sometimes the middle lobe, but seldom are found in the lower lobes; that they live upon and destroy the lung tissue, creating cavities and causing hemorrhages when the destructive process reaches a blood vessel; that they secrete a poison which is thrown off during life and at first passes from the system through the natural channels; as the quantity increases, it is accumulated in the blood stream and its toxic effects carried to every part of the body; these germs are generally localized and easily reached with B. & M. Eruptions appear in the form of small pimples with only sufficient discharges of neutralized poisons to form scabs, gradually enlarging as the poisons are expelled. One of the most astonishing discoveries during the clinical research work is that the destroyed lung tissue is replaced by a new growth of tissue. Mixed Infections. These infections are made up of two or more types of germs which may have remained in the system as the after-effects of Influenza, Pneumonia, Bronchitis, Severe Colds, Measles, Scarlet Fever and other diseases, or from new infections. They live principally upon the blood serum which should go to the nutriment of the body. So long as the surplus serum is sufficient to supply the germs, there will be no loss of weight; when they become sufficiently numerous to rob the patient, the weight and strength diminish. It is said that some types are antagonistic and destroyed by one type absorbing another, the dead germs going into the lung cells, forming a very hard, compact consolidation; that if the antagonistic organisms are nearly equal in number, the destructive and consolidating processes may go on for years without much loss of weight or strength until restricted breathing gives alarm; that if any one type predominates, its activity may be manifested by abscess, pleurisy or whatever effect that particular type produces; that these germs multiply more rapidly than tubercle bacilli, are generally present in much greater numbers, secrete virulent poisons which are retained during life, and, being in the blood, go with it to every part of the body; that they are likely to form a focus and do mischief anywhere; that when the germs are destroyed by B. & M. the neutralized poisons retain their irritating effect, a part being expelled by osmotic pressure through the skin, causing soreness and itching varying in degree with the quantity and virulence of the poisons, and a part going into the blood stream increasing the nerve irritation, the tired feeling and the loss of appetite. The most virulent of the poisons destroy the skin about the edges of the eruptions bit by bit, gradually enlarging them until the virulence subsides. These germs being in the blood stream, whenever on the body applications are made, eruptions are likely to appear sometimes in the form of small blisters or festers, discharging a watery gelatinous fluid, and sometimes with pus often having the color characteristic of the particular type of germs present. White pus may indicate the presence of the *Streptococcus pyogenes* (pus-forming); green color, the *Streptococcus viridans* (green); yellow color, the *Staphylococcus aureus* (yellow) and a bloody tinge, the *Streptococcus* or *Staphylococcus hemolyticus*. These exudates are not infectious. B. & M. gradually softens and liquefies the hard consolidations caused by the dead mixed infections so that they can be expectorated and the lungs entirely cleared. The clearing process is very slow, but when completed the lung cells being little, if any, injured, apparently resume normal action. * * * He also adds his opinion that it will destroy all such germs which infect the human body when brought in contact with them. When the cause of a disease is removed, the effect will also disappear. Complete restoration to health and strength is possible only by eradicating the germs and their products from the lungs so that healing or clearing may follow, and eliminating the poisons from the blood. The time necessary to accomplish such a result will depend upon the size and character of the infection, the quantity of B. & M. used and the frequency of application. Reports and observation of cases, together with scientific research, clearly indicate that when the poisons are eliminated the tired feeling disappears, the appetite is restored, and in most cases, some, at least, of the ordinary activities of life may be resumed while the use of B. & M. is continued until the lungs are cleared. Sanatorium Treatment of Tuberculosis. Under Ideal Sanatorium Treatment we are told that the best result promised is an 'arrested case'—the germs imprisoned and rendered quiescent until Pneumonia,

Influenza, La Grippe, or some severe strain breaks down the calcium wall, setting them free to resume and complete their destructive work. While the germs remain quiescent, the 'arrested case,' exercising great care to avoid exposure or over-exertion, may engage in light employment—if it can be secured—but the fear of a relapse or recurrence is always present affecting every plan for the future. B. & M. External Remedy Treatment of Tuberculosis. Under B. & M. External Remedy treatment of cases which recover the disease germs are destroyed and with their products may be entirely eradicated from the lungs; complete healing usually follows, normal strength is generally restored and the ordinary activities of life resumed with no more than the common liability to further trouble from the disease. By proper use of B. & M., complete recovery from an early stage of tuberculosis may be expected under home treatment without interruption of the ordinary activities of life and with few, if any, eruptions of the skin. The time required to destroy the germs will be longer and the degree of discomfort caused by the poisons will be greater in advanced cases. * * * For small or mild infections, with light pressure of the hand, spread the remedy freely and evenly at least six times upon the affected parts, * * *. For large or acute infections, during the first day or two of treatment, make the applications every two or three hours, each of a dozen or more spreadings, in order to quickly destroy a great number of germs. Wipe or sponge off the treated surface when penetration becomes sluggish. The first spreading of each application to eruptions or sores causes smarting, increasing as the nerves become more sensitive from the continued irritation of the neutralized poisons. As the number of germs is reduced, the virulence of the remaining ones is also reduced and the smarting becomes less severe. * * * After the first spreading, many more can be made of full strength without the initial sting; the poisons of the most virulent types will sting when coming out. * * * A little residue * * * may * * * hinder subsequent penetration. * * * No effort should be made to heal eruptions; when the poisons are all eliminated, complete healing will follow while the applications of B. & M. are continued. The eruptions indicate where the germs are located and tubercle bacilli will not be found elsewhere. For Tuberculosis of the Lungs * * * Pour the remedy upon the surface to be treated and spread as before directed upon the throat, chest, sides and back over the entire lung area, using two ounces or one-fourth of a large bottle. In like manner apply * * * until the lungs are cleared. * * * In the opinion of the chemist, one daily application is not sufficient to kill the germs as fast as they multiply; two daily applications will make some gain, and three are necessary to rapid progress. If the fumes are troublesome at full strength, the breath may be held until they are partly diffused; then breathe and inhale through the mouth. Frequent inhalations between the applications is very helpful. * * * For very young children, requiring less penetration, half strength may be used. * * * Mere streaks of blood in the sputum should not interrupt the treatment. Dislodging the mucus from the healthy tissue is like tearing the scab from a sore—a little blood follows. The cough is the pump which draws foreign matter out of the lungs; it may be severe and dry until B. & M. has softened and liquefied the consolidated matter. Increased coughing with expectoration indicates that the clearing process is going on and should continue until completed. A change in the sputum to a lighter color and catarrhal character indicates that healing has begun. The newly-healed parts of the lungs are tender and susceptible to new infection. One daily application of B. & M. for six or eight weeks after the coughing and expectoration cease is a preventative, and builds up the blood resistance. * * * For Tuberculosis of Other Parts of the Body Apply as above to the parts affected. For Mixed Infections. These germs being generally present in much greater numbers than tubercle bacilli, more B. & M. is necessary to destroy them; if, like the tubercle bacilli, they remained in one place, they could be just as easily reached and destroyed; being in the blood and going with it to all parts of the body, B. & M. must get them as they reach the point of application; it cannot get all of them at once; nobody can foretell when it will get the last one. Because the volume of blood is greater in the lungs than elsewhere more germs will be reached and destroyed by applications to the lung area than to other parts of the body. If the soreness caused by the poisons becomes so great that applications to the lung area cannot be reasonably endured * * * This will reduce the soreness so that applications of B. & M. to the lung area may be resumed with less discomfort and the number of germs will not have increased. * * * As in

treating tubercular infections, one daily application will accomplish nothing; two will accomplish a little, and three will insure good progress. After the germs and poisons are eliminated and the skin entirely healed, applications to the lung area should be continued until the consolidations are entirely cleared from the lungs and normal breathing capacity restored. * * * For a time we put up oxide of zinc ointment and a liquid mixture for relief of the soreness and itching caused by the virulent poisons of some mixed infections. * * *

The new product neutralizes the irritating quality of the germ poisons just as B. & M. neutralizes the toxins. * * * Tuberculosis of Cervical (Neck) Glands * * * the loss is a misfortune. Being near the surface, the germs are easily reached and destroyed. * * * Tuberculosis of the Throat. While the germs are outside, they will be destroyed by external applications, but * * * a spray, consisting of one part B. & M. and nineteen parts water, used in an atomizer * * * will generally destroy the germs, it may be used very frequently. Gargling the throat with the solution, or inhaling, or both, will be helpful but not quite as useful as the spray. Tuberculosis of Stomach and Bowels. Generally indicated by loss of appetite, diarrhea, and perhaps nausea. Unless the disease has injured some vital part, applications of B. & M. in the same manner as directed for the lungs should result in complete recovery. Tuberculosis of the Kidneys. Kidney infections are generally limited to a small area, and being near the surface are more easily reached by B. & M. and more quickly destroyed than lung infections. Tuberculosis of the Joints. So far as we know B. & M. has not failed to secure recovery whenever it has been properly used for tuberculosis of the bones. The elimination of the disease in an advanced stage generally progresses very slowly. There is prompt relief, but the discharge diminishes to an oozing which may continue for a long time. A child not then two years old was treated at the Children's Hospital for a tubercular knee-joint. The leg was kept in a cast for more than three years and in May, 1913, treated with B. & M. * * * The latter part of July the swelling had disappeared and she had begun to walk with the splint off. In January she could walk fine. In the following September at the hospital the physician said the knee was restored to normal, a most remarkable cure. * * * I am glad to be able to report to you that your B. & M. External Remedy has fully restored me to health after seven years' suffering from tubercular glands. When I first saw your advertisement * * * I was suffering from tubercular bone trouble in the foot, which had just developed. I was so lame that I was able to walk a block and a half to the street car only with a cane and with great difficulty and pain. The foot was greatly swollen and had just been lanced. * * *

Within three days after I began to apply the B. & M. to the crippled foot I discarded my cane and in two weeks I was able to walk home from church. * * * I had no further soreness * * *. Gassed Lungs With or Without Tuberculosis. Several cases have been treated by an Ex-Captain in the Army Medical Service, who is our consulting physician. Mr. Lewis, whose testimonial appears on the following page, is now a traffic officer in the city of Boston, and apparently has normal health and lung capacity. * * * I take pleasure in stating the results of using B. & M. External Remedy for Gassed Lungs and Tuberculosis. I * * * Was slightly gassed at * * * more severely at * * * and severely gassed and wounded * * * I did not reveal the condition of my lungs to the examining officer. * * * I gradually lost weight from 193 to 140 pounds. One night a fellow-lodger heard me coughing and brought in his bottle of B. & M. * * * I called on your treasurer who said that he knew of only one incipient case of Tuberculosis and Gassed Lungs upon which B. & M. had been used and that case had fully recovered. * * * I was examined by an ex-captain in the Army Medical Service who, I am informed, found the lungs badly burned, the left lung badly infected, eruptions caused by the gas, * * * and apparently no hope of recovery—only relief—from the use of B. & M. * * * On July 6th, the breathing was better, the gas eruptions had disappeared and general condition improved. About four months later Major Pillsbury, the Tuberculosis expert at Parker Hill Hospital, Brookline, after a thorough examination said, 'You have had some trouble with your lungs, but I can't find anything now.' * * * my lost weight had been regained, my lungs were apparently in perfect order, my recovery seemed complete, and he said I was 'The picture of health.' * * * Pneumonia. By careful, exhaustive chemical tests, confirmed by animal experimentation, the chemist has found that B. & M., properly used, destroys the pneumococcus, the pneumonia-producing germ, of any type. We have not heard of a fatal

termination when B. & M. was properly used even as a last resort after other treatment had failed. Apply every two hours in the same manner as for tuberculosis of the lungs at least six times, then every three hours until relieved. Continue three daily applications until recovery is complete. * * * The animals were carefully observed and when the symptoms of lobar pneumonia fully appeared, they were treated with the preparation under examination, namely, B. & M. External Remedy. A careful check on the blood stream was made to determine the inhibition and destruction of the pathogenic organisms. In every instance, positive results toward recovery were obtained within twenty-four hours after application of the preparation was begun. Further, the blood stream was free of all inoculated micro-organisms within six days after this, applying the preparation every three hours, four successive doses each day. * * * Subsequently the chemist secured a strain of type III, made investigation and reported as follows: 'Of the four types of pneumococcus, type III is the most deadly and resistant. When guinea-pigs, inoculated with this type, had reached a state of partial collapse, B. & M. was applied; in three hours the temperature had subsided, indications of pain were absent, and the animals were resting comfortably; in twenty-three hours they were eating well, and four days later, no germs were found in the blood. Infections and B. & M. affect the animals much more quickly than human beings. In our clinic, two advanced pneumonia cases * * * were treated by applications of B. & M. every two hours. One hour after the second application the temperature of each had fallen one degree. After six applications and twelve hours after the first, the temperature of each was normal. Four daily applications, continued four days, entirely cleared the lungs and the patients resumed their ordinary activities. A doctor was called to a seven-weeks old baby who had Double Pneumonia; * * * Used B. & M.; speedy and complete recovery followed. * * * 'This is my child that was dead, and is alive again.' * * * March 13, 1925, a physician in Arkansas writes that he was called to a five-weeks-old baby, who had been treated by a skillful physician for pneumonia in the ordinary way and given up to die. A 50 per cent solution of B. & M. was applied every three hours. The third application showed relief, better breathing, and temperature subsided. Complete recovery followed. * * * I have used the entire bottle on baby for an attack of Pneumonia and it did all you claim for it. * * * Pneumonia is such a dread disease. * * * My nurse and family say it saved my life and I believe it to be true. * * * I am seventy-two years old, an age when recovery from a severe attack of Pneumonia is not expected. I was taken Thursday night. * * * The disease rapidly developed and I grew worse on Friday, Saturday and Sunday. * * * My physician said my chances for recovery were small. I was very weak and my temperature 104. My friends * * * decided to use the remedy and * * * on Tuesday morning when the physician called he was greatly surprised to find the temperature normal and my breathing easy. * * * Up to this time the trouble had been in the upper part of my right lung. On Wednesday night the lower part of my left lung was congested. They applied the remedy the next morning and on Friday the pain had gone and the temperature was down again. The lungs cleared rapidly and completely without any of the after effects common to the disease and breathing and heart action became perfectly normal. On February 7th, five weeks from the day the remedy was applied, I was able to return to the office and attend to business. * * * that you have a new chemical compound which goes through the skin directly to the lungs and removes the congestion. I have heard of no case more hopeless than was mine, and my experience has convinced me that your remedy, properly used, will enable any case of Pneumonia to recover. * * * thus save other lives as mine has been saved. * * * Influenza. The epidemic of 1918-19 will not soon be forgotten, nor the fact that the best efforts of physicians and nurses, in some cases to the point of the supreme sacrifice, were unavailing to save the thousands who were victims of this disease. * * * The influenza bacillus has been found in most cases examined, but it may be a secondary invader. At any rate that germ, though comparatively very small, is very poisonous, multiplies very rapidly and goes in the blood to every part of the body. To destroy such germs quickly, it is necessary to use B. & M. freely in attacking a large area at once. We recommend hourly applications * * * until the fever is abated followed by three daily applications until eruptions are healed indicating that the germs are destroyed. * * * Croup. Apply to the throat and chest frequently until relief is obtained. Inhalation is very helpful. A child in Marlboro, N. H.,

suffered so severe an attack that she was not expected to live. Mrs. Hammond applied B. & M. at short intervals from 10:30 a. m. until about 6 o'clock p. m. when the child was breathing well. The next morning there was no trace of the Croup, and two years later there has been no recurrence. * * * I do know that B. & M. is a wonderful thing for Croup. We have six children and have had many seances with the Croup. My little boy five years old had a bad attack a short time ago, and the B. & M. Remedy cured him in one night, where we usually expect three days and three nights as the regular run. Bronchitis. This is an infection of the bronchial tubes which ought to be very quickly arrested. Apply B. & M. to the chest and back over the tubes as for tuberculosis at least twice daily. More frequent applications will secure more rapid recovery. * * * I first used B. & M. on my daughter Margaret for Bronchitis. She had been having acute attacks for a little more than two years. She would be relieved for a short time and then another attack came on. She has had them come on as often as once in three weeks during severe weather. The first day I put B. & M. on the chest and back every two hours, and every three or four hours the second day. In the afternoon of the second day she raised without effort great chunks of thick yellow mucus which I called 'horny mucus.' Previously she had raised just froth. The remedy was applied three or four times daily for three or four days thereafter. Margaret went to school after a week's absence. She has had no such trouble since—now about six years. This disease is very common, a great many cases have come to our attention, and we know of no failure to get complete relief when B. & M. has been properly used. The infection is frequently streptococcus, but may be other types of germs. Whatever the type a deposit of mucus is made which adheres very tenaciously to the tube lining. As in tuberculosis, B. & M. destroys the germs and their poisons come out through the skin making it sore. When the germs are destroyed and the poisons eliminated, the eruptions will heal while applications of B. & M. are being made, but the treatment should be continued until the mucus in the tubes is softened and liquefied so it can be expectorated and the tubes entirely cleared. If this is thoroughly done, the recovery will be complete. Pleurisy. Severe and prolonged pleuritic pains have subsided during an application continued twenty to thirty minutes. Further applications destroy the infection; only four ounces of B. & M. should allay the pain. Some users have reported treatment for several days before complete relief from pain, but very likely they used only enough for an ordinary application. A young man who had been suffering greatly from Pleurisy and unable to sleep during ten days, called on Dr. Stiles for treatment. About four ounces of the remedy was applied within twenty or thirty minutes, when the pain had entirely subsided. We are informed that B. & M. has been equally efficient in a large number of pleurisy cases. Asthma. There are several varieties of this disease. We have had to do with only the bronchial and spasmodic or nervous types. In acute attacks apply the remedy freely to the throat, chest and back half-hourly until the breathing becomes less labored, and then at least twice daily until the bronchial tubes are cleared. Inhale frequently through the mouth or use the spray as for tuberculosis of the throat. For a long time we suggested B. & M. only for the bronchial cases. We had little hope of helping the spasmodic cases caused by some hidden nerve trouble; the difficulty was to locate the nerve at fault. About seven years ago, the experiment was tried of making applications to the back from the hair of the head to the end of the spine. The hidden nerve trouble was reached and there was immediate relief; the patient was able to sleep that night and return to his work the next day. A short time later, there was a slight attack immediately relieved by B. & M.; since that time we have heard of no recurrence. Colds and Coughs. If a simple head cold, apply to the forehead, temples, and about the ears frequently, inhaling freely through the nose. If throat and lungs are affected, apply also to the throat and chest, inhaling through the mouth or using the spray as for tuberculosis of the throat. If the remedy is used when the first symptoms appear, relief is almost immediate, and the germs will be confined to the point of infection. Colds are often arrested over night. * * * If the cough is due to some irritation, B. & M. may not give relief. Neuritis. The nerves, like an electric circuit, may be painful at one point while the cause is at another point quite remote. Frequently the pain is felt in the arm when the cause is in the back of the neck or a little below where the nerve of the arm branches off from the spinal cord; or pain may be felt in the lower limb when the cause is in the small of the back. Several cases have been reported to us in which applications to the limbs availed nothing, but when made to the spinal

cord relief quickly followed. * * * Rheumatic Fever. There are few diseases which cause more acute pain and lasting effects than rheumatic fever. Frequently patients are much disturbed even by the movement of attendants across the floor or laying a hand upon the bed. Not many first attacks are fatal, but, as a result of careful study of many cases by medical experts, it is said that recurrences reach as high as 93.4 per cent in children between five and ten years of age, and not less than 50 per cent in people more than twenty-five years of age; that the second attack comes about four years after the first and the average case progresses to a fatal termination in about fifteen years; that the cause of death is not infection of the inflamed joints, but the continued or frequently repeated infection of the heart which cripples or kills the patient; that the germs create an abscess or sore upon the heart valves—more commonly the mitral—which heals and leaves scar tissue reducing the flexibility of the valve and preventing normal action; that each successive infection increases the defect and leakage until the valve ceases to function altogether. If B. & M. is properly used at the first attack the infection will be destroyed before the valves are injured. If used after the fourth attack, which would otherwise be fatal, we should hope that the scar tissue would be dissolved and the valves restored to practically normal action. To allay the fever, pain and inflammation in a week and before the heart has been affected, is beyond belief to the physician who has not seen with his own eyes. We are told that no treatment has ever before secured such results. The rapidity of recovery will largely depend upon the quantity and frequency of application. We suggest hourly applications of at least six spreadings each over all affected parts (sometimes the whole body) during the first day, and four or more times daily until the fever and inflammation disappear. A man in the prime of life suffered from blood poisoning due to the infection of a finger. Inflammation of the bowels, Tonsilitis and Rheumatic Fever followed in quick succession. The joints, the limbs and then the body swelled until the skin was tense and the patient became incapable of voluntary motion. He sat in a chair without sleep for two weeks. The physicians pronounced his case hopeless. In response to an urgent request, a representative of the company called and illustrated the use of B. & M. by applying a full bottle. The following night the patient slept. The third day the swelling was greatly reduced and some voluntary motion was restored. Within a week the patient was hobbling about his room; ten days later he was walking as usual, and after three weeks at the beach, resumed his employment. During the three succeeding years he has enjoyed excellent health without the slightest symptom of Rheumatism. A lady in Boston suffered an attack of Rheumatism in the knees and hip joints which in two weeks developed a high fever with intense pain. A nurse of large experience attended her on Tuesday evening when her suffering from the inflammation was so intense that the bed or her body could scarcely be moved without cries of pain. * * * On Wednesday morning, * * * B. & M. was freely applied to the greater part of the body, resulting in immediate relief of the pain; frequent applications were made during Wednesday and Wednesday night. On Thursday the patient was able to take her meals sitting up in bed. On Saturday she walked down several flights of stairs without assistance and with the nurse rode in an automobile to Reading. * * * Two years later there had been no return of the Rheumatism. * * * Rheumatism. In its acute stages, B. & M. has speedily allayed inflammation of joints or muscles. * * * Apply twice or more daily, spreading the remedy over the affected parts six times at each application. The reports of the wonderful results from using B. & M. in this disease would fill a large volume. A man upwards of fifty years of age had not been able to work for three years, * * * B. & M. was used and he returned to his old employment which requires him to be constantly on his feet. A child eight years old suffering from Scarlet Fever developed an acute kidney disease of a very serious nature, also acute Arthritis in the upper and lower limbs which were badly swollen and very painful. Temperature 104°. The urine was very scanty and almost solid with albumen. As an experiment B. & M. was used on the most painful limb resulting in complete relief from the pain in that limb within two hours. The child then begged the mother to use B. & M. on the other limbs, which was done and within another two hours the pain was gone. The kidney trouble was relieved within forty-eight hours. A lady residing in Dorchester, Mass., was suffering from Articular Rheumatism following Rheumatic Fever. She had been under treatment at a good hospital for six weeks and was thought to be incurable when returned to her home. The limbs were rigid, she was unable to move a muscle, was suffering great pain with much swelling. She was skillfully treated with B. & M.; in two weeks she began to move her

shoulders, then her elbow, then the thumb, then the wrist gradually relaxed, and after eight weeks of treatment she was able to walk and do a part of her housework * * *. A gentleman in Connecticut was so badly crippled with Rheumatism * * *. B. & M. was used, and the first week he was able to get around; within two weeks he was milking his cow, and a year later he was engaged with his son in operating a portable sawmill. Lumbago (Rheumatism of the Lumbar Region). Speedy relief has followed the use of B. & M. in every case of Lumbago which has come to our knowledge. Apply freely at least twice daily as for Rheumatism. * * * I have used it for Lumbago and by a few applications I was quickly relieved. Kidneys and Bladder. An infection of the kidneys is generally small and the germs are easily reached and destroyed. Apply as for tuberculosis. If there is a suspicion of trouble in the kidney, it is safe to use B. & M.; it can do no harm and if there are no germs or germ poisons present, it will have nothing to work on and the skin will not be affected. If eruptions appear, B. & M. has reached some harmful germs or poisons and applications should be continued until the eruptions cease. We have had reports of remarkable results of applications to the kidneys and abdomen for bladder trouble. * * * For more than a dozen years an injection into the bladder of a boric acid solution was made twice daily (with few exceptions) to control an inflammation which medical experts had declared would continue to the end of life. While the remedy was used upon the bowels for auto-intoxication, the inflammation of the bladder disappeared and thirteen years later has been no recurrence. Locomotor Ataxia. The belief that there is no help for victims of this disease is so general that to most people the hope of a remedy seems preposterous. The facts seem to warrant such a hope in some cases; B. & M. has given great relief from the characteristic lancinating pains, and in several cases the control of the muscles has been greatly improved. Blood Poisoning. Blood Poisoning caused by infection from a pin-prick, scratch, etc., requires very prompt attention. Spread the remedy upon the part affected for twenty or thirty minutes, then apply hourly until pain and inflammation are relieved. A lady was suffering from infection due to a pin-prick of the thumb. The hand and forearm were badly swollen and pain extended to the shoulder. Her physician treated the hand and arm with B. & M. The pain disappeared within three hours, and the swelling was gone the next morning. * * * A surgeon slightly pricked his thumb while opening an abscess. Within thirty minutes the infection was painfully apparent. B. & M. was used, relief quickly followed, and the danger point was soon passed. A blister upon the heel was pricked at night; the next day the foot and leg became painful and late in the afternoon walking was very difficult. * * * Inside of four hours the pain was relieved, and on the following morning the swelling had disappeared. A cook had severely scalded his arm and virulent blood poisoning quickly followed to the danger point. * * * physician * * * prescribed * * * use of B. & M. The following morning when the doctor called, the pain and swelling had subsided and the patient was at work. Cancer. In some far-advanced cases B. & M. has been used by a physician instead of morphine to relieve pain with very gratifying results. A cure is not expected. Some Skin Cancers treated with B. & M. entirely disappeared. A young woman suffering from Cancer of the breast had the breast removed. About six weeks after * * * bunches appeared in the other breast which the surgeon strongly advised should be immediately removed. * * * In about four weeks the bunches had entirely disappeared. Three years later there had been no indication of further trouble. Other similar cases have since been reported. Sarcoma. A miss about fifteen years of age, * * * had suffered from ulcers of the face which cleared up. For about three weeks before taking her bed, * * * she suffered pain and had difficulty in walking. A physician * * * found one thigh puffed up and the muscular tissues badly swollen. Later the case was diagnosed as Sarcoma, and medical treatment was continued * * * without any effect upon the growth. B. & M. was then applied. In four days the body of the growth had disappeared, leaving four small movable nodes which disappeared in a day or two more and the patient was able to walk without inconvenience. She was out on the street in five days more. After recovery the doctor said that the disease could not have been Sarcoma—she got well. Seven years later there has been no recurrence. Amyloid Liver * * * was suffering from a far-advanced stage of amyloid liver; that his attending physician had told him recovery was impossible and asking if B. & M. could help. We replied that our consulting physician had never heard of any help for an amyloid liver * * *. We are informed that the use of B. & M. was begun on September 15; that gradual improvement with the discharge of great quantities of pus followed; that

the use of B. & M. was continued until March 24, 1925, * * * a doctor * * * stated that he found no liver trouble of any kind; * * * there had been no sign of relapse or recurrence."

The libels further alleged that the cuts depicting the "Normal Tubercle Bacilli as they appear on a typical plate before contact with B. & M.;" "The disintegration of Tubercle Bacilli resulting from contact with B. & M.;" "Normal Pneumococci Type III as they appear on a typical plate before contact with B. & M.," and the "Disintegration of Pneumococci Type III resulting from contact with B. & M.," and the cuts depicting the "X-ray of lung area taken November 12, 1927, showing the tubercle bacilli infection and destruction of lung tissue in the upper portion of both lungs and a consolidation from a mixed infection in the lower portion of the right lung," and "X-ray taken June 5, 1928, of lung area showing the new lung tissue forming with great rapidity in the upper part of both lungs, and the consolidation removed from the lower part of the right lung," were false and fraudulent designs and devices.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18177. Adulteration and misbranding of Vident No. 4 powder for Riggs' disease and of Vident No. 6 Riggs' disease mouth wash. U. S. v. 30 Cans of Vident No. 4 Powder for Riggs' Disease, et al. Products ordered released under bond. (F. & D. Nos. 25618, 25619. I. S. Nos. 8467, 8468. S. No. 3840.)

The products herein described consisted of a powder and a mouth wash. Both were represented to possess curative and therapeutic properties which they did not possess; the powder was not antiseptic and germicidal as labeled.

On January 8, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cans of Vident No. 4 powder for Riggs' disease and 18 bottles of Vident No. 6 Riggs' disease mouth wash, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by Katz & Besthoff, from New Orleans, La., on or about October 8, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Vident No. 4 powder for Riggs' disease by this department showed that it consisted essentially of pumice, calcium carbonate, sodium bicarbonate, sodium chloride, and boric acid with small proportions of a phenolsulphonate, menthol, and thymol. Bacteriological examination showed that the product was not antiseptic. Analysis of a sample of the Vident No. 6 Riggs' disease mouth wash by this department showed that it was a brown solution containing chiefly water, alcohol (20 per cent), glycerin, potassium iodide, boric acid, zinc chloride, and iodine, together with small amounts of formaldehyde, thymol, and eucalyptol.

It was alleged in the libel that the articles were adulterated in that their strength fell below the professed standard and quality of "Antiseptic * * * Germicidal," names recognized in the United States Pharmacopœia.

Misbranding was alleged in that the statements on the labels, "Antiseptic * * * Germicidal," were false, fraudulent, and misleading. (The above adulteration and misbranding charges were recommended by this department as applicable to the Vident powder only, and were as follows: The strength of the article fell below the professed standard or quality of "Antiseptic * * * Germicidal," under which it was sold, and the statements, "Antiseptic * * * Germicidal," were false and misleading.) Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false, fraudulent, and misleading: (Vident powder, carton and can) "Riggs' Disease Powder an adjunct to Vident Riggs' Disease Mouth Wash * * * and assists the recovery of gums;" (Vident mouth wash, carton and bottle) "Riggs' Disease Mouth Wash is invaluable for all forms of Stomatitis, Gingivitis, Salivation and Aphthae and is a great aid in the treatment of Pyorrhea Alveolaris."

On March 27, 1931, Katz & Besthoff (Ltd.), New Orleans, La., having appeared as claimant for the property and having admitted the essential allegations of the libel, a decree was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$71, conditioned in part that they should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18178. Misbranding of Kata-Rrol. U. S. v. 290 Bottles of Kata-Rrol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25354. I. S. No. 5708. S. No. 3605.)

Examination of samples of a drug product, known as Kata-Rrol, from the herein-described lot, having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On November 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 290 bottles of Kata-Rrol, alleging that the article was in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sugar, water, glycerin, guaiacol, menthol, alcohol, and extracts of plant materials.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular, translation from Spanish) "Tuberculosis, Bronchitis, Influenza, Catarrhs, For Broncho-Pulmonary Affections, Cough, Bronchitis, Hoarseness, etc. * * * antiseptic of the respiratory tract * * * tuberculosis * * * the best remedy for treating tuberculosis is creosote. Kata-Rrol contains a large dose per * * * in the preparation of Kata-Rrol enter the best ingredients which modern science has located for the treatment of Asthma, Influenza, Bronchitis, spasmodic cough, night sweats and tuberculosis * * * ant septic, regenerating * * * properties for the throat, bronchi and lungs. Kata-Rrol may be taken by persons of the most delicate stomachs without producing the least irritation. The results obtained are rapid and sure * * * it brings the broncho-pulmonary secretions to their normal condition." Misbranding was alleged for the further reason that the design, appearing in the circular accompanying the article, of lungs, heart, and trachea, in connection with the words, "Tuberculosis, Bronchitis, Influenza, and Catarrhs," was false and misleading.

On January 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18179. Misbranding of Delmar's rheumatic remedy. U. S. v. 39 Bottles of Delmar's Rheumatic Remedy. Default decree of condemnation and destruction. (F. & D. No. 25668. I. S. No. 9320. S. No. 3821.)

Examination of a drug product, known as Delmar's rheumatic remedy, from the lot herein described having shown that the bottle and carton labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, also that the label bore an incorrect statement of the quantity of alcohol contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On January 15, 1931, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 39 bottles of Delmar's rheumatic remedy, alleging that the article was in possession of the Glyza Chemical Co., Washington, D. C., and was being offered for sale by said company in the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (7½ per cent), small proportions of an arsenic compound, a salicylate, other organic matter, alcohol (4.2 per cent), and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Rheumatic Remedy * * * Two teaspoonfuls in half glass of water after meals, 3 times daily * * * Facts About Rheumatism. The Great Doctors of today tell us that rheumatism in all its forms, is simply

a disease of the blood, and can only be eradicated from the system, by a medicine which acts directly upon the blood; and we are pleased to say, after an experience of forty years, that such a medicine is Delmar's Rheumatic Remedy. Our records show that it does not fail once in twenty-four (24) times. * * * Our advice is to take four bottles as a surety of result. The cost of this amount (\$4.00) is not to be compared with the perfect freedom from pain which this Remedy will bring to you, if you give it a fair trial;" (carton) "Rheumatic Remedy. An Internal Medicine for Chronic Rheumatism. * * * It Seldom Fails to Give Relief. * * * Acts Satisfactorily in Chronic Rheumatism without Drugging the system with injurious compounds;" (circular) "Rheumatism. If you will ask your family physician, he will tell you, as we do in all sincerity, after an experience of fifty years in this business, that rheumatism is a disease of the blood, and the only way on earth that it can be eradicated from the system is by the use of an active internal medicine, preferably a liquid, which acts directly upon the blood tissues. This plan of treatment is well recognized by the leading medical practitioners throughout the world as the proper method for rheumatic conditions. It eliminates the use of liniments, lotions, plasters and similar external appliances. This great preparation, Delmar's Rheumatic Remedy, is a liquid which penetrates to the very seat of the disease, namely the blood, for which it has been used and successfully demonstrated for more than fifty years. It is with a great deal of pride that we are able to state that our records show that this remedy cures 24 times in 26 trials all forms of rheumatism that are curable with medicine. In keeping pace with the march of progress in medical research, Delmar's Rheumatic Remedy is praised and recommended more highly today for its wonderful curative properties than it was half a century ago, when the worst forms possible of this terrible disorder yielded to this remedy. * * * Many sufferers from Rheumatic Gout and Neuritis use this remedy with perfect success, so do not hesitate to give it a trial. It will not disappoint you. * * * [Testimonials] For the past seven years my wife was a great sufferer from Rheumatism which at times assumed a very malignant form, and for days and nights deprived her of rest. Our attention was called to 'Dr. Delmar's Rheumatic Remedy.' After taking this remedy eight or ten days she was free from pain and a cure effected. I am glad to be able to speak in terms of commendation of this truly wonderful medicine, which I firmly believe will cure any case of rheumatism * * * I have frequently purchased Delmar's Rheumatic Remedy for old soldiers and friends suffering with rheumatism, and in every instance it worked like magic. * * * I was suffering intensely from rheumatism. I began to use Delmar's Rheumatic Remedy and am Satisfied that I have been permanently cured. * * * Was cured of a bad attack of rheumatism by Delmar's Rheumatic Remedy. * * * I cheerfully state that I used Delmar's Rheumatic Remedy with Marked Benefit, * * * It cures Rheumatism * * * Many people in Maryland have been cured of rheumatism by Delmar's Rheumatic Remedy. * * * No medical preparation has given so much satisfaction to our rheumatic sufferers as Delmar's Rheumatic Remedy. * * * It has created a stir among the rheumatic sufferers of our country." Misbranding was alleged for the further reason that the statement on the carton, "Alcohol 10%," was false and misleading, when applied to an article containing a less amount; and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect.

On May 1, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18180. Misbranding of Hall's I-N-T Iron & Nux tonic. U. S. v. 13 Bottles of Hall's I-N-T Iron & Nux Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26033. I. S. No. 16204. S. No. 4273.)

Examination of a sample of a drug product, known as Hall's I-N-T Iron & Nux tonic, from the shipment herein described having shown that the carton and bottle labels contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On or about March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure

and condemnation of 13 bottles of Hall's I-N-T Iron & Nux tonic, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the National Health Laboratories, from Scotland Neck, N. C., on or about September 16, 1929, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (23.2 per cent), ferric chloride (0.5 per cent), a small proportion of strychnine, a trace of formaldehyde, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the Blood & Liver * * * Indigestion * * * Dyspepsia * * * Grippe, Chills, Fevers, * * * Kidney or Bladder Troubles, Influenza, Piles, * * * Enriches and Stimulates the Blood. * * * Enriches the Blood and Fortifies the System against Disease;" (bottle). "Relieves Indigestion, * * * Dyspepsia, * * * Grippe, Chills, Fevers * * * Kidney or Bladder Troubles, Influenza, Piles, * * * Enriches and Stimulates the Blood."

On April 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered; and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18181. Misbranding of Dr. Samuel H. P. Lee's lithontriptic. U. S. v. 5 Bottles of Dr. Samuel H. P. Lee's Lithontriptic. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26040. I. S. No. 9846. S. No. 4304.)

Examination of a sample of a drug product, known as Dr. Samuel H. P. Lee's lithontriptic, from the shipment herein described having shown that the carton and bottle labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five bottles of the said Dr. Samuel H. P. Lee's lithontriptic, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the S. H. P. Lee Co. (Inc.), from New York, N. Y., on or about January 28, 1931, and had been transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of a plastic mass containing potassium nitrate (5.3 per cent), potassium bicarbonate (10 per cent), soap (46 per cent), volatile oils including juniper oil (3 per cent), a small amount of an iron compound, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Lithontriptic for Stone and Gravel in the Kidneys, Liver, and Bladder;" (circular) "Lithontriptic for Stone and Gravel in the Kidneys, Liver, and Bladder * * * And Kidney Diseases, with their train of Secondary Affections, such as Dropsy, Dyspepsia, Chronic Vomiting, Chronic Rheumatism—Diseases of the Heart, Liver and general infirmity of constitution. Also for Diabetes, and diseases of the Prostate Gland, Gout, Calculi or Gall Stones, Inflammation of the Bladder, Strangury and Blood Urine, Bright's Disease in its incipient stages, Leucorrhoea (or Whites), and Uterine Difficulties. Directions * * * It is necessary to take the medicine uninterruptedly, it being a constitutional and alterative remedy, and should be continued as long as any symptoms of the complaint exist. * * * To be rid of the calculi or gall stones in the biliary ducts, known to exist by the violent paroxysms of sharp, cutting, pungent pains at the pit of the stomach, extending through the region of the liver, and vomitings, accompanied with white or light-colored stools, the medicine should be continued

without interruption two to eight months, * * * To prevent a recurrence of the gall stones, in bad cases, the medicine should be continued, about two pills per day one or two years. But, when the disease is of long standing, or there is a large stone in the bladder or kidneys it will take from five to twelve months."

On April 20, 1931, no claim having been entered for the property, and the manufacturer having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18182. Adulteration and misbranding of ether. U. S. v. Thirty-eight 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25738. I. S. No. 27292. S. No. 3965.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On January 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty-eight 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., June 19, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements on the labels, "Ether U. S. P." and "Ether * * * U. S. P.," were false and misleading. (The department has no record that the article was labeled "U. S. P.," and made no misbranding recommendation.)

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18183. Misbranding of Gonolin. U. S. v. 7 Boxes, et al., of Gonolin. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24839, 24856. I. S. Nos. 039051, 039054. S. Nos. 3172, 3186.)

Examination of a drug product, known as Gonolin, from the shipment herein described having shown that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On June 11 and June 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 19 boxes of Gonolin, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been transported from New York, N. Y., into the State of New Jersey, in part by the Lipoidal Laboratories (Inc.), on or about December 9, 1929, and in part by the Newark consignee's messenger, on or about May 27, 1930, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of iodide, phosphate, a magnesium compound, and extracts of plant drugs.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Gonolin * * * Proto-Enzyme Treatment for Gonorrhea * * * We understand that at the G. U. Clinic, Ward 35, Bellevue Hospital, New York City, the best results were obtained from massive doses. [On portion of labels only "In male cases start with the contents of two ampoules, intramuscularly."] * * * repeat the injection every second day until all manifestations of the disease, physically as well as serologically, have disappeared."

On April 8, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18184. Misbranding of Pabst's O. K. specific. U. S. v. 72 Bottles, et al., of Pabst's O. K. Specific. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25073, 25074. I. S. Nos. 7520, 7522. S. No. 3354.)

Examination of samples of a drug product known as Pabst's O. K. Specific having shown that the bottle label, the wrapper, and accompanying circulars bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Wisconsin the shipments herein described, involving quantities of the product located at Milwaukee, Wis.

On August 27, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 100 bottles of Pabst's O. K. specific, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Pabst Chemical Co., Chicago, Ill., on or about April 24, 1930, and had been transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cubeb oil, copaiba, extracts of other plant drugs including buchu, alcohol, sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements, together with similar statements in several foreign languages, regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper and bottle label) "O. K. Okay Specific;" (wrapper) "Absolutely Safe * * * Take It And You Will Not Be Disappointed;" (small circular, entitled "The Okay Tonic") "Men * * * who had just completed a treatment with our Okay Specific and felt the need of * * * a medicine to overcome the after-effects of acute infections. * * * these patients, * * * following a siege of debilitating sickness. * * * 'Tonic' is not to be taken at the same time you take the 'Okay Specific.' When you are through with the treatment for Gonorrhea and Gleet, then we would advise you to take some of our 'Okay Tonic' * * * It has a soothing effect on the

* * * organs that were affected by your recent illness. * * * Do not confuse the Okay Tonic with the Okay Specific. It is not to be taken instead of the Okay Specific, but as an After Treatment. When you have been cured of the Gonorrhea, then use The Okay Tonic [similar statements in several foreign languages];" (large circular entitled "Pabst's Okay Specific") "Take the medicine regularly in full doses without interrupting the treatment until satisfactory results have been obtained; continue taking the medicine for fifteen days after all outward signs have disappeared. * * * Chronic Cases. Pabst's Okay Specific is especially beneficial in chronic cases. These cases, which are usually of long standing, * * * generally disappear after using the Okay Specific. Of course, it must not be expected that a case of many years' standing will disappear after taking one bottle of the medicine; very old cases may require more time and longer treatment, and several bottles, sometimes four or five of the medicine may have to be taken before satisfactory results are obtained. * * * If the case is one of long standing, continue for ten to fifteen days with full doses after all outward signs have disappeared, and then ten to fifteen days more in gradually diminished doses."

On January 30, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18185. Adulteration and misbranding of ether. U. S. v. 80 Quarter-Pound Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25559, 25575, 25583, 25592. I. S. Nos. 20651, 20653, 26815, 26816, 27283. S. Nos. 3850, 3871, 3889, 3890.)

Examination of samples of ether from the shipments herein described having shown that peroxide, a decomposition product, was present in a large propor-

tion of the samples, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of eighty $\frac{1}{4}$ -pound cans, one hundred and thirty $\frac{1}{2}$ -pound cans, and forty-nine 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., in various consignments, on July 15, July 19, July 25, and November 22, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P." or "Ether U. S. P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of the investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statements on the labels, "Ether U. S. P." or "Ether * * * U. S. P.," were false and misleading.

On April 20, 1931, Merck & Co. (Inc.), St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18186. Adulteration of ether. U. S. v. Fifty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25087. I. S. No. 7347. S. No. 3368.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Alabama.

On August 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty 1-pound cans of ether, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by the Mallinckrodt Chemical Works from St. Louis, Mo., on or about January 3, 1930, and had been transported from the State of Missouri into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia.

On March 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18187. Misbranding of Ac-Ac. U. S. v. 4½ Dozen Bottles of Ac-Ac. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25148. I. S. No. 7400. S. No. 3409.)

Examination of a drug product, known as Ac-Ac, from the shipments herein described having shown that the bottle label contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On September 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four and one-half dozen bottles of Ac-Ac, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Approved Formulas Corporation, Birmingham, Ala., in part on or about April 11, 1930, and in part on or about May 21, 1930, and had been transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The bottles containing the article were labeled in part: "Ac-Ac * * * For Influenza * * * For Pains of Any Character."

Analysis of a sample of the article by this department showed that it consisted essentially of acetylsalicylic acid, acetanilid, caffeine, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in the label represented that the article was indicated or recommended in cases of influenza and for pains of any character, which statements were false and fraudulent, since the article did not have the said curative or therapeutic effects.

On March 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18188. Adulteration and misbranding of Reno's antiseptic wash. U. S. v. 28 Bottles of Reno's Antiseptic Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25310. I. S. No. 030467. S. No. 3530.)

Examination of a drug product known as Reno's antiseptic wash having shown that the article was not antiseptic and that the carton label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On November 13, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 bottles of Reno's antiseptic wash, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by S. B. Leonardi & Co., from New York, N. Y., on or about November 17, 1927, and had been transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of berberine, small proportions of boric acid and camphor, and a trace of hydrastine. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton and bottle label) "Antiseptic," whereas the strength of the article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton and bottle label, "Antiseptic," was false and misleading when applied to an article that was not antiseptic. Misbranding was alleged for the further reason that the following statements, and similar statements in foreign languages, borne on the carton, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Leucorrhoea or Whites and all discharges due to inflammation of the mucous membrane of the vagina."

On January 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18189. Adulteration of ergot of rye. U. S. v. 3 Bags of Ergot of Rye. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25290. I. S. No. 10306. S. No. 3556.)

Samples of ergot of rye from the shipment herein described having been found to be moldy and worm eaten, with insect excreta and other extraneous matter present in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three bags of ergot of rye at Chicago, Ill., alleging that the article had been shipped by F. W. Berk & Co. (Inc.), from New York, N. Y., October 4, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bag) "Spanish Ergot New York;" (tag) "F. W. Berk & Co., Inc., * * * New York."

It was alleged in the libel that the article was adulterated in that it was sold under the name of "Ergot," a name recognized in the United States Pharmacopoeia, and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopoeia official at the time of the investigation.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18190. Misbranding of Adams' No-Mo running fits remedy. U. S. v. 1,005 Bottles of Adams' No-Mo Running Fits Remedy. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25675. I. S. No. 10855. S. No. 3943.)

Examination of the drug product herein described having shown that the bottle and carton labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,005 bottles of the said Adams' No-Mo running fits remedy, remaining in the original unbroken packages at Ramsey, Ill., alleging that the article had been shipped by the Duncan Chemical Co., from Maplewood, Mo., on or about November 18, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of pine oil and a sodium rosin soap.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Running Fits Remedy for Running Fits * * * For Running Fits, Mange;" (carton) "Recommended for Running Fits, Mange * * * Running Fits Remedy Was Tested Out on over 1,000 Dogs, with good results in each case before being offered for sale;" (circular) "Running or Barking Fits in Dogs * * * Running Fits are caused by Toxic Poisons being generated within the intestines. * * * sometimes intestinal infections from worms are the cause. When these poisons spread throughout the system (usually while exercising) a fit results. Directions For Using Adams No-Mo For Running Fits * * * Repeat treatment every week for four weeks. [Testimonials in circular] Please send Running Fits Remedy C. O. D. It has been giving wonderful results in my dogs. * * * Please send me two bottles of your running Fits cure. Have used one treatment and found it satisfactory. * * * Send me another bottle of Running Fits Remedy. It sure is a relief for the fits disease."

On February 10, 1931, the Adams Supply Co., Ramsey, Ill., and the Duncan Chemical Co., Maplewood, Mo., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18191. Misbranding of compound syrup of sarsaparilla and burdock with iodide of potassium. U. S. v. 24 Packages of Compound Syrup of Sarsaparilla and Burdock with Iodide of Potassium. Default decree of condemnation and destruction. (F. & D. No. 25548. I. S. No. 9318. S. No. 3782.)

Examination of samples of the drug product herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative or therapeutic properties which it did not, and that the carton did not bear a statement of the amount of alcohol contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On December 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 24 packages of the said compound syrup of sarsaparilla and burdock with iodide of potassium, alleging that the article was being sold and offered for sale in the District of Columbia at the premises of the Mathews Pharmacy, Washington, D. C., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, extracts of plant drugs including licorice and sarsaparilla, sugar, alcohol, and water, preserved with a small proportion of salicylic acid and flavored with sassafras oil.

It was alleged in the libel that the article was misbranded in that the following statements on the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "A Valuable and Efficient Remedy for Purifying the Blood, and Building up the System. It is highly esteemed for all diseases due to impure Blood, such as Salt Rheum, Boils, Blisters, Pimples, Tetters, Scrofula, Old Sores and Ulcers, also for Blood Poisoning resulting from Syphilis, etc. It imparts vigor and tones up the System by Purifying the Blood, Regulating the Bowels, Liver and Kidneys;" (carton) "Sarsaparilla and Burdock * * * in combination with Iodide of Potassium exert a marked curative action in all diseases due to impurity of the blood, especially such as are inherited, or are the result of syphilitic or mercurial blood poisoning. In Scrofula, Eczema, Tetters, Chronic Skin Disease, Scald Head, Erysipelas, Enlarged Glands, Chronic Rheumatism and in offensive discharges from the nose and ears, decided benefit results from its regular use. The system besides being purified is toned up and invigorated, as the remedy, in addition to purifying the blood, builds up the constitution." Misbranding was alleged for the further reason that the carton containing the bottle of the article failed to bear a statement of the quantity or proportion of alcohol contained therein.

On May 1, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18192. Misbranding of Trusler's subacute rheumatic tablets. U. S. v. ¾ Dozen Large-Sized Packages, et al., of Trusler's Subacute Rheumatic Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25945. I. S. No. 25357. S. No. 4176.)

Examination of a drug product, known as Trusler's subacute rheumatic tablets, from the shipment herein described having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three-fourths dozen large-sized and two and one-fourth dozen small-sized packages of the said Trusler's subacute rheumatic tablets at Chicago, Ill., alleging that the article had been shipped by the Kalmus Chemical Co., from Cincinnati, Ohio, September 17, 1930, and had been transported from the State of Ohio into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of sodium salicylate and extracts of plant drugs including a laxative drug, coated with calcium carbonate and iron oxide.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the retail carton and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Subacute Rheumatic Tablets * * * Subacute Rheumatic Tablets;" (circular) "Subacute Rheumatic Tablets. The Medical Profession now generally recognize some sort of infection as the contributing cause of Rheumatism. The causes vary. * * * The result of Rheumatic conditions is the same whether it be from infection in one part of the body or another and it is to relieve these resulting conditions by eliminating or removing the poisons and waste products from the system that * * * Subacute Rheumatic Tablets are prepared. * * * Even though the cause of the particular case cannot be

located and corrected, * * * Tablets allay the pain and enable the patient to enjoy reasonable comfort during this process of elimination. * * * In cases of long standing or in such cases as may necessitate the use of * * * Subacute Rheumatic Tablets without treating the cause, it may be necessary to take the tablets over a longer period in order to avoid suffering. * * * As the conditions improve the dose may be reduced."

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18193. Misbranding of Creo-Terpina Wampole. U. S. v. 9 Dozen Bottles of Creo-Terpina Wampole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25955. I. S. No. 5759. S. No. 4210.)

Examination of a drug product, known as Creo-Terpina Wampole, from the shipment herein described having shown that the circular contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On or about March 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine dozen bottles of Creo-Terpina Wampole, alleging that the article had been shipped on or about April 7, 1930, by Henry K. Wampole (Inc.), New York, N. Y., to San Juan, P. R., and that it was being offered for sale and sold in Porto Rico by Serra, Garabis & Co. (Inc.), of San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of water, sugar, alcohol (25 per cent), and small amounts of creosote, terpin hydrate, glycerin, calcium glycerophosphate, and sodium glycerophosphate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Bronchial and Pulmonary Conditions * * * In Asthma, whooping cough and all coughs of a spasmodic nature and in acute catarrhal inflammation of the respiratory tract, influenza, hay fever, * * * Creo-Terpina relieves spasm and pain, reduces fever, soothes the irritated mucous membrane and restores tone to the affected part. In phthisis, acute or chronic bronchitis, and the bronchial catarrh of the aged, this preparation checks the distressing cough and renders the secretions less tenacious. The Administration of Creo-Terpina in tubercular pleurisy is followed by gradual disappearance of the effusion, fever and other symptoms. * * * by virtue of its stimulant and tonic properties due to the glycerophosphates, of calcium and sodium, which it contains, stimulates the appetite, increases the weight, strengthens the patient and restores his energy."

On April 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18194. Misbranding of Tweed's Liniment. U. S. v. 17 Gallon Cans, et al., of Tweed's Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25816. I. S. No. 9745. S. No. 4033.)

Examination of a drug product, known as Tweed's Liniment, from the shipment herein described having shown that the label contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On January 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 gallon-sized cans and 22 half-gallon-sized cans of Tweed's liniment, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Kopf Manufacturing Co., from New York, N. Y., on or about September 20, 1929, and had been transported from the

State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of an emulsion containing volatile oils, ammonia, chloroform, tar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Package) "For Veterinary Use * * * Sore Throat, Windgalls, Spayin, Curb, Ringbone, Thrush, Thoroughpin, * * * Swellings of any description, or any eruption of the skin. * * * For Family Use: For Rheumatism, Neuralgia, Stiff or Swollen Joints, Headache, Toothache, Cuts, * * * Lamé Back * * * Soft Corns * * * Contracted Cords, Lum-bago, Eruptions, * * * Sore Throat. * * * For Sore Throat or Diphtheria."

On April 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18195. Adulteration and misbranding of nitroglycerin tablets, acetphenetidin tablets, and caffeine citrated tablets. U. S. v. Syracuse Pharmacal Co. (Inc.). Plea of guilty. Fine, \$150. (F. & D. No. 21562. I. S. Nos. 6228-x, 6229-x, 6230-x.)

The drug tablets in the shipments herein described having been found to contain a smaller amount of nitroglycerin, acetphenetidin, or caffeine citrated, as the case might be, than declared on the label of the container, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On February 18, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Syracuse Pharmacal Co. (Inc.), a corporation, Syracuse, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about February 24, 1926, from the State of New York into the State of Pennsylvania, of quantities of nitroglycerin tablets, acetphenetidin tablets, and caffeine citrated tablets which were adulterated and misbranded.

The articles were labeled in part, variously: "1000 Nitroglycerin 1/100 Gr. T. T. * * * Manufactured by the Syracuse Pharmacal Co. * * * Syracuse, N. Y.;" "300 Acetphenetidin 5 Grs. Manufactured by the Syracuse Pharmacal Co. Inc. * * * Syracuse, N. Y.;" "300 Caffeine Citrated T T 1/2 Gr. * * * Manufactured by the Syracuse Pharmacal Co. Inc. * * * Syracuse, N. Y."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: The nitroglycerin tablets were represented to contain 1/100 grain each of nitroglycerin, whereas each of said tablets contained less than so represented, namely, not more than 0.0057 grain, i. e., approximately 1/175 grain of nitroglycerin. The acetphenetidin tablets were represented to contain 5 grains each of acetphenetidin, whereas each of said tablets contained less than so represented, namely, not more than 4.173 grains, i. e., approximately 4 1/4 grains of acetphenetidin. The caffeine citrated tablets were represented to contain 1/2 grain each of caffeine citrated, whereas each of said tablets contained less than so represented, namely, not more than 0.397 grain, i. e., approximately 2/3 of a grain of caffeine citrated.

Misbranding was alleged for the reason that the statements, "Nitroglycerin 1/100 Gr.," "Acetphenetidin 5 Grs.," and "Caffeine Citrated * * * 1/2 Gr.," borne on the labels of the respective products, were false and misleading in that, the said statements represented that each of said tablets contained the amount of nitroglycerin, acetphenetidin, or caffeine citrated, as the case might be, declared on the label, whereas each of said tablets did not contain the amount so declared but did contain a less amount.

On April 11, 1931, the plea of not guilty which had been entered on behalf of the defendant company on November 18, 1930, was withdrawn and a plea of guilty to the information was entered, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18196. Misbranding of Creta-Methyl. U. S. v. 10 Cans of Creta-Methyl. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26051. I. S. No. 16015. S. No. 4306.)

Examination of a drug product, known as Creta-Methyl, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cans of Creta-Methyl, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Girard Pharmacal Co., from Philadelphia, Pa., on or about January 22, 1931, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Chemical analysis of a sample of the article by this department showed that it consisted of methyl salicylate (0.8 per cent), petroleum oil, glycerin, and clay (65 per cent).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Reducing All Forms of * * * Deep-Seated Inflammation by Local Depletion * * * Articular Rheumatism * * * Poisoned Wounds, Synovitis, Open Sores, Orchitis, Erysipelas, Chronic Ulcers, Dysmenorrhoea, Inflamed Breasts, Periostitis, Pelvic Inflammations, Pneumonia, Bronchitis, Pleurisy, * * * Tonsillitis, Osteitis, Tumors, * * * Peritonitis, Boils, Felons, Mumps, Buboës, in short, all conditions where interrupted circulation, congestion or induration exist."

On April 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18197. Misbranding of Brater's asthma powder. U. S. v. 11 Large-Sized Packages, et al., of Brater's Asthma Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26199. I. S. Nos. 27966, 27967, 29901, 29902, 29903. S. No. 4405.)

Examination of a drug product, known as Brater's asthma powder, having shown that the labels of the tin container and carton, and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the following interstate shipments of a quantity of the product, located at Philadelphia, Pa., were reported to the United States attorney for the Eastern District of Pennsylvania.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 large-sized, 2 dozen medium-sized, and 6 dozen small-sized packages of Brater's asthma powder, remaining in the original unbroken packages at Philadelphia, Pa., consigned by John K. Brater, New York, N. Y., alleging that the article had been shipped from New York, N. Y., in part on or about February 16, 1931, and in part on or about March 16, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the product consisted of ground stramonium leaves impregnated with potassium nitrate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container and carton) "Asthma Powder. * * * For Asthma, Hay Fever, Bronchitis and all diseases of the Throat and Lungs which affect the breathing;" (circular) "Asthma Powder * * * The Powder for burning is intended for immediate relief in Asthma."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18198. Misbranding of Tabletts Magneticas. U. S. v. 34 Boxes of Tabletts Magneticas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26024. I. S. No. 5750. S. No. 4238.)

Examination of a drug product, known as Tabletts Magneticas, from the lot herein described having shown that the carton label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On March 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 boxes of Tabletts Magneticas, alleging that the article was in possession of the Central Sales Agency Co., Lares, P. R., and was being offered for sale and sold in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilid (1 grain per tablet), extracts of plant drugs including laxative drugs and aconite, and quinine sulphate (1.1 grain per tablet).

It was alleged in the libel that the article was misbranded in that certain statements appearing on the carton in Spanish, of which the following is a translation, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Catarrh, Influenza, Grippe, * * * Migraine, Cough, Remittent or Paludic Fevers. * * * For Catarrh, Influenza, Grippe. * * * Headache, Fevers, etc., etc. * * * These tablets constitute a remedy of positive results for the treatment of fevers, coughs and headache regularly associated with Grippe, Influenza, Catarrhs."

On April 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18199. Adulteration of ether. U. S. v. 56 Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25890. I. S. No. 20613. S. No. 4157.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 quarter-pound cans of ether, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about May 31, 1930, and had been transported from the State of Missouri into the State of Indiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether For Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18200. Misbranding of Seelye's laxative cold and headache tablets, Seelye's Wasa-Tusa, and aspirin tablets. U. S. v. 11 Bottles of Seelye's Laxative Cold and Headache Tablets, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25926, 25927, 25928. I. S. Nos. 12227, 12228, 12229. S. Nos. 4153, 4154, 4155.)

Examination of the drug products herein described having shown that the labels contained statements representing that the articles possessed curative and therapeutic properties which they did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On March 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11 bottles of Seelye's laxative cold and headache tablets, 35 bottles

of Seelye's Wasa Tusa, and 33 bottles of aspirin tablets, remaining in the original unbroken packages at Boise, Idaho, alleging that the articles had been shipped by the A. B. Seelye Medicine Co., from Abilene, Kans., on or about January 16, 1931, and had been transported from the State of Kansas into the State of Idaho, and charging misbranding in violation of the food and drugs act as amended.

The articles were labeled in part: (Laxative cold and headache tablets, carton) "Are excellent for LaGrippe * * * etc. * * * Valuable for * * * LaGrippe * * * Coughs, etc.;" (Wasa-Tusa, carton and bottle) "Rheumatic Pains, Sore Muscles, Lame Back, * * * Headache, * * * Toothache, Earache, Sore Throat, La Grippe, Colic, Cramps, Diarrhoea, Cholera Morbus and Inflammation, Colic in Horses, Bloating and Diarrhoea in Cattle, Cholera and Diarrhoea in Poultry;" (aspirin tablets) "Is recommended for the treatment of * * * Neuralgia * * * Grippe, Influenza, Rheumatism, Sciatica, Lumbago, Gout, Neuritis, etc."

Analyses of samples of the articles by this department showed that the laxative cold and headache tablets contained acetanilid and extracts of plant drugs including aloe, cinchona, and capsicum; that Seelye's Wasa-Tusa consisted essentially of alcohol, volatile oils including sassafras oil, ammonia, and small proportions of chloroform, ether, and extracts of plant drugs including capsicum; and that the aspirin tablets consisted essentially of acetylsalicylic acid.

It was alleged in the libels that the articles were misbranded in that the above-quoted statements regarding the curative or therapeutic effects of the said articles were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On April 6, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 18176-18200

Ac-Ac:	N. J. No.		N. J. No.
Approved Formulas Corpora- tion-----	18187	Hall's I-N-T Iron and Nux tonic: National Health Laboratories--	18180
Acetphenetidin tablets:		Kata-Rrol: Drug Co. of Porto Rico-----	18178
Syracuse Pharmacal Co-----	18195	Lee's, Dr. Samuel H. P., lithontriptic: Lee, S. H. P., Co-----	18181
Adams' No-Mo running fits remedy: Duncan Chemical Co-----	18190	Magneticas, Tabletaz. See Tabletaz Magneticas.	
B. & M. external remedy: National Remedy Co-----	18176	Nitroglycerin tablets: Syracuse Pharmacal Co-----	18195
Rollins, F. E., Co-----	18176	Pabst's O. K. specific: Pabst Chemical Co-----	18184
Brater's asthma powder: Brater, J. K-----	18197	Reno's antiseptic wash: Leonardi, S. B., & Co-----	18188
Caffeine citrated tablets: Syracuse Pharmacal Co-----	18195	Seelye's aspirin tablets: Seelye, A. B., Medicine Co-----	18200
Compound syrup of sarsaparilla and burdock with iodide of potassium: Mathews Pharmacy-----	18191	laxative cold and headache tablets: Seelye, A. B., Medicine Co-----	18200
Creo-Terpina Wampole: Serra, Garabis & Co-----	18193	Wasa-Tusa: Seelye, A. B., Medicine Co--	18200
Wampole, Henry K. (Inc.)--	18193	Tabletas Magneticas: Central Sales Agency Co-----	18198
Creta-Methyl: Girard Pharmacal Co-----	18196	Trusler's subacute rheumatic tablets: Kalmus Chemical Co-----	18192
Delmar's rheumatic remedy: Glyza Chemical Co-----	18179	Tweed's liniment: Kopf Manufacturing Co-----	18194
Ergot of rye: Berk, F. W., & Co-----	18189	Vident No. 4 powder for Riggs' dis- ease: Katz & Besthoff-----	18177
Ether: Mallinckrodt Chemical Works--	18182, 18186, 18199	No. 6 Riggs' disease mouth wash: Katz & Besthoff-----	18177
Merck & Co-----	18185		
Gonolin: Lipoidal Laboratories (Inc.)--	18183		



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18201-18225

[Approved by the Secretary of Agriculture, Washington, D. C., October 20, 1931]

18201. Adulteration of chloroform. U. S. v. 160 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16579. S. No. E-4023.)

Examination of samples of chloroform from the shipment herein described having shown that it failed to meet the pharmacopœial requirements, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On July 10, 1922, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 160 cans of chloroform at Jamaica, N. Y., alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., between the dates of December 16, 1921 and January 21, 1922, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 1, in the case of drugs, that is to say, it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopœia official at the time of the investigation, since an analysis showed the product to be turbid, instead of clear, that upon evaporation it left a foreign odor, it contained hydrochloric acid, and contained impurities decomposable by sulphuric acid, also chlorinated decomposition products.

On April 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18202. Misbranding of Phoceol. U. S. v. 1 Package of Phoceol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25245. I. S. No. 5706. S. No. 3523.)

Examination of a drug product, known as Phoceol, from the shipment herein described having shown that it was represented to possess certain curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one package of Phoceol, alleging that the article had been shipped by E. Fougera & Co. (Inc.), New York, N. Y., on or about September 24, 1930, to

San Juan, P. R., and that it was being sold and offered for sale in Porto Rico by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Formula of bottle A) "Iodide of caesium, 0 gm. 125; iodide of rubidium, 0 gm. 25; iodide of sodium, 1 gm. 50; chloride of calcium, 4 gm. 00; chloride of magnesium, 11 gm. 00; thiosinamine, 0 gm. 20; hyposulphite of sodium, 0 gm. 05; excipient to make 30 gm. 00;" (formula of bottle B) "Benzoate of lithium, 0 gm. 30; resublimed iodine metalloid, 0 gm. 625; mimotannin (tannin extract of mimosas), 1 gm. 25; incipient to make 30 gm. 00."

It was alleged in the libel that the article was misbranded in that the statement appearing on the carton label, regarding the curative or therapeutic effect of the said article, "Internal Treatment of Opacities of the Crystalline Lens," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18203. Adulteration and misbranding of Vitalex. U. S. v. 164 Cases, et al., of Vitalex. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25981, 26009. I. S. Nos. 6921, 27348. S. Nos. 4248, 4301.)

Examination of a drug product known as Vitalex having shown that it was labeled as containing vitamin D, whereas it was worthless as a source of vitamin D, the Secretary of Agriculture reported to the United States attorney for the Northern District of Illinois the shipments herein described, involving quantities of the product located at Chicago, Ill.

On March 4 and March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 327 cases of the said Vitalex at Chicago, Ill., alleging that the article had been shipped by Chemicals & Drugs (Inc.), from Baltimore, Md., in part on October 30, 1930, and in part on February 27, 1931, and had been transported from the State of Maryland into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted of caffeine, salicylic acid, benzoic acid, small proportions of plant drugs including licorice, wild cherry, and a laxative drug, strychnine, valeric acid and volatile oils, alcohol, and water. Biological examination showed that the article was worthless as a source of vitamin D.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard of strength under which it was sold, in that it was labeled as containing vitamin D, whereas it contained no vitamin D.

Misbranding was alleged for the reason that the statement on the carton, "To which are added Vitamins * * * D," was false and misleading, since the article contained no vitamin D.

On March 19, 1931, the I. S. Johnson Co. (Inc.), claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant to be relabeled at Chicago, Ill., under the supervision of this department, upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18204. Misbranding of McCormick's cold and pain salve. U. S. v. 3¾ Dozen Jars of McCormick's Cold & Pain Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25960. I. S. No. 4392. S. No. 4194.)

Examination of a drug product, known as McCormick's cold and pain salve, from the shipment herein described having shown that the cartons, jar labels, and accompanying booklets bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On February 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three and three-fourths dozen jars of McCormick's cold and pain salve, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by McCormick & Co., Baltimore, Md., on or about July 17, 1928, and had been transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils, including menthol, camphor, camphor oil, and eucalyptus oil (approximately 10 per cent), incorporated in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display and individual cartons) "Internally by the Inhalation of the wonderfully healing vapors which it evolves, McCormick's Salve penetrates the most minute recesses of the nose, throat, lungs and bronchial tubes, allaying pain and reducing inflammation wherever it reaches. * * * Pain Salve * * * Valuable in the treatment * * * Sore Throat, La Grippe, Pneumonia * * * and Skin Irritations;" (additional matter on individual carton) "Useful in All Forms of Inflammation such as Asthma, Bronchitis, Catarrh * * * Coughs, Hay Fever, La Grippe, Pneumonia, Sore Throat, Whooping Cough * * * Boils * * * Eczema * * * Rheumatism, Piles;" (jar label) "Pain Salve * * * For * * * Catarrh, Etc. * * * For Eczema, * * * or Other Inflammation of the Skin. * * * For * * * Bronchitis, Pneumonia, Etc. * * * Sore Throat * * * Coughs, Whooping Cough;" (booklet) "Plain Salve Valuable in the treatment of * * * Sore Throat, La Grippe, Pneumonia * * * Asthma * * * Bronchitis * * * Catarrh * * * Coughs * * * Hay Fever * * * La Grippe * * * Pneumonia * * * Tonsillitis, Sore Throat * * * Whooping Cough * * * Boils * * * Eczema * * * Muscular Rheumatism * * * Piles * * * Distemper in Dogs or Horses * * * Pneumonia or Pleurisy in Horses."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18205. Adulteration and misbranding of Extract of Cod Liver Wampole.
U. S. v. 3 Dozen Bottles of Extract of Cod Liver Wampole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25967. I. S. No. 5760. S. No. 4209.)

Examination of the herein-described drug product showed that the wrapper and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Vitamin tests of another lot of the same product showed that it was devoid of the characteristic vitamins of cod-liver oil.

On March 2, 1931, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Extract of Cod Liver Wampole, alleging that the article had been shipped on or about January 12, 1931, by Henry K. Wampole & Co., New York, N. Y., to San Juan, P. R., and that it was being offered for sale and sold in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Extracto de Hígado de Bacalao de Wampole."

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of calcium, sodium, potassium, and iron, phosphorus, quinine, strychnine, a trace of oil, sugar, alcohol, and water. Biological examination showed that the article was devoid of the characteristic vitamins of cod-liver oil.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Extract of Cod Livers."

Misbranding was alleged for the reason that certain statements appearing in the labeling in Spanish, of which the following is a translation, were false and misleading: (Wrapper and bottle label) "Perfected and tasteless Preparation of 'Extract of Liver of Cod.' * * * contains a solution of an extract which is obtained from fresh cod livers;" (circular) "With the extract of cod liver." Misbranding was alleged for the further reason that certain statements appearing on the wrapper and in the circular in Spanish, of which the following is a translation, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper) "The rapid increase in health and strength that is felt by those persons that carefully follow the instructions given herewith, will attest the repair value of this preparation as a Reconstituent Tonic in recovering from disease of acute character, and as an appreciable addition in the treatment of Phthisis (Consumption), Pulmonary Diseases, Bronchitis, Obstinate Coughs * * * Nervous Debility, affections due to exhaustion of the nervous system or due to Anaemia, Chlorosis, Emaciation, Scrofula and Disorders of the Blood, Prostration due to Fevers and in Convalescence;" (circular) "Do Not Neglect Yourself: The various symptoms of a debilitating condition which every person recognizes in himself are signs that under no circumstances should be ignored, because otherwise, the germs of diseases will increase, with great danger of fatal consequences. The germs of phthisis may be absorbed by the lungs at any time, incubating and multiplying themselves with rapidity, unless the system is well fed to the extent of resisting their attacks. The Wampole Preparation * * * fortifies the system against all changes of temperature which invariably produce cough, catarrh, grippe, influenza, phthisis, pneumonia and diseases due to debility of the lungs and rachitic constitution. Taken on time, it fortifies the organism against phthisis. Men whose systems are exhausted because of the preoccupations due to their business, or to excesses or by body afflictions, will find in the Wampole preparation, an aperitive reconstituent tonic that will fortify their systems and will invigorate their imaginations and body, so necessary to recover the losses due to diseases. Women of delicate health, of weak and exhausted constitution, pale, nervous and languid require a remedy that will give them strength, vitality and will enrich the blood and will fortify their debility which are the cause of all their troubles. The Wampole Preparation feeds the body. Girls who are entering into womanhood with pale faces and weakness due to poor growth, should have nutrition that will give them vigorous and robust health. Wampole Preparation taken before meals, increases the appetite, aids digestion and fortifies the lungs and weak bones. Children take it with pleasure. For this reason, progressive physicians prescribe it with excellent results in reconstructing the system of pale, rachitic, exhausted and scrofulous children, specially in those suffering from anaemia and diseases of the blood, making them capable of becoming sound men and women. Infants become weak and thin when their systems are weakened by bad digestion. Then is when their systems require that their mothers should feed them, who are at the same time, weak and exhausted and unable to do it. The Wampole Preparation supplies what they need and it is easily digested by the most delicate stomach. Diseases of the Blood: When the Blood is impaired and anaemic, it carries the debility to all the system because the vivacity of human life is caused by means of the blood. This proves the necessity of having pure and rich blood, because its impoverishment may result in many afflictions such as anaemia, scrofula, general debility, pulmonary scrofula and other diseases caused by specific germs. Prevent them by taking the Wampole Preparation."

On April 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18206. Misbranding of Abell's Formalde balm. U. S. v. 11 Jars of Abell's Formalde Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25971. I. S. No. 14625. S. No. 4191.)

Examination of a drug product known as Abell's Formalde balm having shown that the bottle label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of Illinois the shipment herein described, involving a quantity of the product located at Chicago, Ill.

On March 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 jars of Abell's Formalde balm at Chicago, Ill., alleging that the article had been shipped by the Home Remedy Co., from South Haven, Mich., January 19, 1931, and had been transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum in which was incorporated approximately 1 per cent of volatile oils including eucalyptus oil and menthol. It contained no formaldehyde.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or medicinal agents capable of producing the effects claimed: (Bottle) "For * * * Inflammation of all kinds. Catarrh, Hay Fever, Sore Throat, Bronchitis, Influenza, * * * Itching Piles, Eczema;" (circular) "There are many varieties of Eczema, moist or dry, nearly all the dry kind are amenable to treatment with Formalde-Balm * * * For Boils * * * one of the most valuable preparations for inflammation of the throat and lungs on the market. * * * Directions for the use of Abell's Formalde-Balm * * * For Hay Fever * * * Sore Throat, Croup, Catarrh, Formalde-Balm * * * In Bronchitis, Sore Throat, Influenza, Pneumonia, or Congestion of any part, apply freely * * * For Itching Piles * * * For Corns * * * recommended for Bronchitis."

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18207. Adulteration and misbranding of Pyros. U. S. v. 10 $\frac{1}{2}$ Dozen Bottles of Pyros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25326. I. S. No. 1200. S. No. 3558.)

Examination of a drug product known as Pyros showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Bacteriological examination of a sample taken from the shipment herein described showed that it was neither antiseptic nor germicidal.

On November 19, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 $\frac{1}{2}$ dozen bottles of Pyros, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pyros Co., from Denver, Colo., on or about April 7, 1930, and had been transported from the State of Colorado into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of zinc, sodium, ammonium, and aluminum, sulphates, chlorides, glycerin, and water. Bacteriological examination showed that the article was not antiseptic nor germicidal.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely: (Carton) "Antiseptic;" (circular) "Pyros is an ideal antiseptic * * * Ingredients of Pyros Kali Hypermanganicum * * * Blue Stone * * * Pyrolusite * * * Sodium Bicarbonate, Sodium Carbonate * * * A powerful germicide, and penetrating antiseptic."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "A perfect Antiseptic;" (circular) "Pyros is an ideal antiseptic mouth wash, for it has a definite selective action on disease germs in the mouth. * * * The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay. * * * Kali Hypermanganicum * * * Blue Stone * * * Pyrolusite * * * Sodium Bicarbonate, Sodium carbonate. * * * A powerful germicide, a penetrating antiseptic." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no

ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Pyros For Pyorrhea * * * Prevents Contagious Disease * * * Arrests Decay—Arrests Pyorrhea. For sore, tender, ulcerated gums, loose teeth and Pyorrhea infections in general. Stops tartar. * * * For Pyorrhea;" (carton) "Pyro For Pyorrhea * * * A remedy for tender bleeding, spongy or receding gums * * * for preventing decay of the teeth keeping the gums firm and healthy * * * Give solution time to penetrate gums and affected parts * * * A remedy for sore, loose, tender or ulcerated gums and teeth, and pyorrhea infections generally;" (circular) "Pyros For Pyorrhea * * * Good Health Depends on Mouth Health. The mouth is the one main entrance whereby disease germs gain entrance to the body. In the mouth disease germs multiply, infect the nasal passages or throat, and sooner or later, the entire system. Nature (the perfect physician) installed in the mouth the simple machinery necessary for the warding off of disease, viz.: clean saliva, abundant blood supply and properly adjusted teeth. Therefore, it can be readily seen that a remedy which causes the mouth to properly function is the one that assists nature in warding off disease. The present day customs, diet and mental habits do not permit the mouth to function perfectly as in the days of savagery when the mouth received exercise from the eating of hard, coarse food, and tooth decay and gum disease were unknown. Pyros Makes Healthy Mouths * * * Pyros Penetrates. Pyros has a peculiar penetrating action, so that it even attacks deep, underlying, inflamed conditions. Pyros makes clean, healthy saliva, nature's mouth wash. * * * In diseased conditions of the mouth Pyros should be used as near full strength as possible. For Pyorrhea—Take one teaspoonful in mouth and let it penetrate the affected parts * * * If the upper teeth or gums are affected, hold head downward or sideways. * * * For Trench Mouth (Vincent's Angina) or other acute inflammations of the mouth where pain is present * * * For Ulcerative Gums. * * * Tender Gums. * * * Bleeding Gums. * * * Spongy Gums. Where the gums are soft, flabby and bleed easily use one part Pyros to four of water * * * Turgid Gums. Where gums are congested and swollen use Pyros the same as for spongy gums. * * * Tartar. When annoyed by excessive tartar on the teeth use Pyros full strength for a few days, brushing the teeth after each treatment. When most of the tartar is gone, go to a dentist and have the teeth thoroughly cleaned. * * * After Extraction. There is more danger of alarming conditions after extraction of teeth than most people realize. Pyros * * * prevents the development of infectious conditions * * * By its daily use you can guard the entire system against contagion and disease. The teeth remain clean, the gums firm and natural in color. * * * It will save you endless dental and medical expense and many anxious hours. It is an excellent preventive. * * * How to Prevent Decay of the Teeth At Home. Pyros actually prevents and arrests decay of the teeth. The definite and selective germicidal action of Pyros stops the bacterial acid deterioration in the first stages of tooth decay. * * * take Pyros one part to water four parts and brush this solution into the cheeks, gums and teeth for three minutes. If this is done morning and evening you will keep your teeth free from cavities or decay. * * * Universally Endorsed. It is agreed by scores of Dental Scientists, Pyorrhea Specialists and Oral Surgeons that never in the life of the world has there been anything to equal the merit of Pyros for stopping or preventing Pyorrhea, Trench Mouth and other oral afflictions. * * * a disintegrator of tartar, * * * a disintegrator of the mucoid plaques of primary dental caries. * * * Pyros * * * produces local phagocytosis; helps metabolism. You may conscientiously and ethically recommend Pyros to prevent or arrest both decay and Pyorrhea."

On May 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18208. Misbranding of C. P. Tet. U. S. v. 40 Packages of C. P. Tet. Default decree of destruction entered. (F. & D. No. 25325. I. S. No. 14459. S. No. 3592.)

Examination of a drug product, known as C. P. Tet, from the shipment herein described having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Georgia.

On November 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 packages of C. P. Tet, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Chloride C. P. Co., from McNeill, Miss., on or about October 23, 1930, and had been transported from the State of Mississippi into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of tetrachlorethylene.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Worms of Dogs and Domestic Animals. Tetrachlorethylene is endorsed by the U. S. Dept. of Agriculture for * * * Whipworms. Prevents and cures Fits caused by Worms. * * * This drug is endorsed by the U. S. Dept. of Agriculture for the removal of * * * roundworms of dogs;" (circular accompanying package) "For Worms Tetrachlorethylene is endorsed by the U. S. Dept. of Agriculture for the removal of * * * roundworms of dogs and domestic animals. Valuable as a treatment and preventive of 'Running Fits' if induced by worms. * * * Monthly worming is the cheapest and surest form of dog insurance. Worms in Dogs * * * Regular 28-day dosing of all dogs in the kennels with 'Tet' will eradicate * * * roundworms * * * Running-Barking Fits. * * * The first step in the treatment is to remove the worms and stop the source of the trouble. Dose regularly each month to keep worms removed before they cause trouble. * * * Preventive treatment is more valuable for any disease than curative treatment. Dose all dogs on the place once each month with Tet and you will not only remove the worms * * *. Freedom from worms will greatly improve the condition of your dogs, makes possible the raising of pups without heavy distemper and other contagious diseases which take a heavy toll from wormy dogs. * * * Directions for Worming with 'Tet.' * * * The use of Tetrachlorethylene as a wormer for dogs was the discovery of Dr. M. C. Hall of the U. S. Bureau of Animal Industry, * * * Besides the tests of Dr. Hall which showed this drug more effective for roundworms * * * Authoritative experiments have been made showing it safe for three weeks old pups in doses 25 times that necessary to remove * * * roundworms. Safe worming before weaning removes the most serious trouble of all dog breeders. * * * I have found your 'Tet' to * * * have stopped every case of 'Running-Barking Fits' I have had. I give it to all my dogs every 28 days and I have not had a case of fits since I have used it in this way. * * * I have tried everything and find your 'Tet' the best for worms and 'running-fits.' * * * 'Tet' will remove * * * roundworms * * *. Through the removal of worms the regular use of 'Tet' is a valuable preventive treatment for 'Running-Barking Fits,' and Sore Mouth and is insurance against heavy losses from distemper."

On February 18, 1931, no claimant having appeared for the property, a decree was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18209. Adulteration and misbranding of Astyptodyne healing oil. U. S. v. 10 Large-Sized Bottles, et al., of Astyptodyne Healing Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25172. I. S. No. 17801. S. No. 3435.)

Examination of a drug product, known as Astyptodyne healing oil, from the shipments herein described showed that the bottle and carton labels and the inclosed circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Bacteriological examination of a lot of the article showed that it was not germicidal nor antiseptic as claimed in the labeling.

On September 30, 1930, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 large-sized bottles, 7 dozen medium-sized bottles, and 6 dozen small-sized bottles of Astyptodyne healing oil, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by the Astyptodyne Chemical Co., from Wilmington, N. C., in part

on or about May 19, 1930, and in part on or about July 21, 1930, and had been transported from the State of North Carolina into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was essentially pine oil. Bacteriological examination showed that the article was not germicidal nor antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton) "Astyptodyne is antiseptic * * * germicidal," (label) "Antiseptic, Germicidal," and (circular) "Antiseptic," whereas the strength of the article fell below such professed standard.

Misbranding was alleged for the reason that the following statements appearing on the carton and bottle labels and in the circular (carton) "Astyptodyne is antiseptic * * * germicidal," (label) "Antiseptic, Germicidal," (circular) "Chemical research finds this wonderful oil to possess to a high degree the following valuable properties: Antiseptic * * * Antiseptic value," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Is good for reducing * * * slough, fungus growth and proud flesh, arresting hemorrhage and relieving pain. * * * a healing agent, * * * For ulcers, sores, * * * rheumatism, neuralgia, toothache, diseases of the skin, nose, throat, or lungs. * * * For Old Ulcers or Sores of any Kind. Wrap part affected and keep damp with 'Astyptodyne' * * * For Sore Throat: * * * For Toothache: * * * For Hay Fever: * * * a Healing Agent for * * * Ulcers (old or new) Sores, * * * Eruptions on the Skin, Irritation of the * * * Lungs. * * * instantly relieving * * * Nervous Pain, Rheumatism, Neuralgia, Sciatica, Toothache. * * * for * * * Stomach Troubles such as Colic or Indigestion. * * * Irritation of the * * * Lungs;" (large label) "As a Healing Agent * * * for old ulcers * * * wounds, for skin eruptions, itch, eczema * * * rheumatism, neuralgia, sore muscles or swellings * * * to relieve toothache or other muscular pain, * * * For Scratches * * * For Rheumatism, Neuralgia, Swollen Joints, Cracked Heel * * * For Toothache * * * the relief will be almost instantaneous. For * * * Sore Throat, Influenza or Hay Fever;" (circular) "A healing agent for chronic Ulcers, * * * Sores, * * * Wounds, for Skin Eruptions, Itch, Eczema, * * * for Rheumatism, Neuralgia, Sore Muscles, and Swellings. * * * in the treatment of new and infected sores on domestic animals, horses and cattle, * * * During the 'Flu' epidemic of 1918, many families used Astyptodyne as a preventative medicine, and it was found that where a tablespoonful was added to a quart of Boiling water and placed in the rooms of the house, especially in the sleeping rooms, that the members not already stricken were prevented from infection, as a result of inhaling the vapor thus produced. Since that time many cases of Whooping Cough, Spasmodic Croup and other zymotic diseases such as Asthma, Bronchitis, Catarrh, Hay Fever, Grippe and the Bronchial complications accompanying Scarlet Fever and Measles have been highly benefited by vaporizing Astyptodyne. Where it is convenient to do so, an ordinary quart saucepan may be placed on the stove and a mixture as above allowed to simmer continuously where there is Grippe or Colds in the family and it is desired that the other members avoid infection."

On March 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18210. Misbranding of Styptstringant. U. S. v. 30 Bottles of Styptstringant. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 25617. I. S. No. 14547. S. No. 3928.)

Examination of a drug product known as Styptstringant showed that the carton and bottle label contained statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be antiseptic, whereas it was not antiseptic when diluted according to directions.

On January 9, 1931, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Stypstringant, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Lawrence Chemical Co., from Atlanta, Ga., on or about December 12, 1930, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, formaldehyde, extracts of plant drugs including tannin, and water. Bacteriological examination showed that the article when diluted as directed was not antiseptic.

It was alleged in the libel that the article was misbranded in that the statement, "Antiseptic * * * add contents of bottle to pint of water," appearing on the bottle label, was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the carton and bottle label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For treatment and relief of Pyorrhea. For the correction of Soft-Bleeding Spongy Receding Gums and Loose Teeth * * * in the treatment of Riggs disease and soft and spongy gums * * * in all severe inflammation of the gums as well as for Pyorrhea;" (bottle label) "For Prevention & Treatment of pyorrhea. For the Correction of Soft, Spongy Bleeding Gums and Loose Teeth."

On January 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18211. Misbranding of Brame's Vapomentha salve. U. S. v. 11 Jars of Brame's Vapomentha Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26076. I. S. No. 4400. S. No. 4253.)

Examination of a drug product, known as Brame's Vapomentha salve, from the shipment herein described having shown that the jar label, the carton, and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On March 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 jars of Brame's Vapomentha salve, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by R. M. Brame & Sons, North Wilkesboro, N. C., on or about November 30, 1929, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of volatile oils (12.7 per cent) including camphor, menthol, and eucalyptol, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements and similar statements in Spanish, appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "For Croup and Pneumonia * * * For Croup * * * For Pneumonia * * * For Sore Throat * * * For Catarrh, Hay Fever, Bronchitis, * * * Whooping Cough, Asthma, Influenza and Grippe * * * For Piles * * * For Corns;" (jar cap) "For Croup and Pneumonia;" (carton) "An Aid in The Treatment of Spasmodic Croup, Pneumonia & Influenza * * * A quick and reliable remedy for * * * irritations of the Throat and Lungs;" (circular) "For Croup and Pneumonia * * * This manner of treating Croup and Pneumonia has revolutionized Medical Science, and has made treatment safe and easy * * * Brame's Vapomentha Salve is a certain preventive and specific. * * * For Croup. For Croup it works as if by magic * * * For Pneumonia, Pleurisy, Bronchitis and Pains in the Lungs. It breaks congestion, heals the inflammation, reduces the fever and relieves the sharp pains. * * * Grippe, Coughs and Whooping Cough. * * * Sore Throat, Ton-

silitis * * * Catarrh, Asthma, Hay-Fever * * * Inflamed Glands * * * Swellings * * * Corns * * * [Testimonials] If used in time, it has never failed to break up colds, usually the forerunner of Grippe, Influenza and Pneumonia. In the treatment of Spanish Influenza, which is so prevalent and which has caused so many cases of Pneumonia resulting in many deaths, it has been used very extensively with most excellent results. * * * I believe if this preparation is used in time it will prevent the development of Pneumonia in every instance."

On April 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18212. Misbranding of Insurol. U. S. v. 89 Boxes of Insurol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26089. I. S. Nos. 28901, 28902. S. No. 4331.)

Examination of a drug product, known as Insurol, from the herein-described import shipments having shown that it was represented to have curative and therapeutic value in the treatment of diabetes, whereas it was worthless in the treatment of this disease, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 89 boxes of Insurol, remaining in the original unbroken packages at New York, N. Y., 5 boxes of the said article having been shipped by the Deutsche Vital Gessellschaft, Berlin, Germany, and 84 boxes having been shipped by the Uran Gessellschaft, Berlin, Germany. It was alleged in the libel that the article had been imported from Germany, in part on or about March 28, 1930, and in part on or about November 6, 1930, and that it was misbranded in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted of tablets containing yeast, glandular tissue, lecithin, and lithium salicylate.

Misbranding of the article was alleged in the libel for the reason that the statement on the label of the 5-box lot, "Medically tested for diabetes," and the statement on the label of the 84-box lot, "According to Dr. H. Klebs for Diabetes," regarding the curative or therapeutic effect of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18213. Misbranding of Aromanna. U. S. v. 22 Bottles of Aromanna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26100. I. S. No. 27956. S. No. 4358.)

Examination of a drug product, known as Aromanna, from the shipment herein described having shown that the wrapper and bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of Aromanna, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Holdstein Drug Co., Paulsboro, N. J., alleging that the article had been shipped from Paulsboro, N. J., on or about March 28, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained extracts of plant drugs including aloe and licorice, sodium bicarbonate, an antimony compound, a small proportion of salicylic acid, anise oil, menthol, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained

no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Dyspepsia Remedy * * * Sluggish and Torpid Liver * * * Weakness of the Bladder or Kidneys;" (wrapper) "For Liver and Stomach Dyspepsia, Indigestion, Gastritis * * * Malaria * * * Inflammation of Stomach and Bowels. Adds tone and vigor to Digestive Organs. A great Blood Purifier. * * * continue until * * * you are satisfied that the cure is permanent. * * * Indigestion is the first symptom of Dyspepsia, and can, in all cases, be traced to a torpid Liver or diseased Stomach. To correct these troubles and restore the digestive organs to their natural condition, there is nothing that acts so promptly or efficiently as Aromanna, which should be taken upon the first appearance of any irregularity of the Liver or Stomach. * * * For immediate relief for Indigestion, Dyspepsia or Pain in the Stomach, etc."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18214. Adulteration and misbranding of Lu-Ora. U. S. v. 9 Large Bottles, et al., of Lu-Ora. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26065. I. S. Nos. 27736, 27737. S. No. 4337.)

Examination of a sample of a drug product, known as Lu-Ora, from the shipment herein described having shown that the bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be germicidal, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On March 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine large bottles and eight small bottles of Lu-Ora at Lake City, Fla., alleging that the article had been shipped by the Stevens Luke Co., from Thomasville, Ga., on or about June 6, 1930, and had been transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resorcinol, borax, menthol, eucalyptol, alcohol, and water, colored with a red dye. Bacteriological examination showed that the article was not germicidal.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Germicidal," whereas its strength fell below such professed standard in that it was not germicidal.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Small bottle) "A Resorcinol Solution Favorably Comparable in Power as a Germicidal Agent to Carbolic Acid * * * It is Germicidal * * * and Destroys all Pathogenic Bacteria;" (large bottle) "A Resorcinol Solution Favorably Comparable in Power as a Germicidal Agent to Carbolic Acid. * * * It is Germicidal * * * and Destroys all Pathogenic Bacteria. * * * Its effective Germicidal Properties make it especially valuable as a spray in combating the disease Germs." Misbranding was alleged for the further reason that the following statements appearing in the circular accompanying the article, and on the large bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Large bottle) "Effective as preventative and remedy in case of hoarseness, sore throat;" (circular) "Ideal conditions for the growth of pathogenic bacteria obtain in the mouth, nose and throat. The moist membranous surfaces of these parts of the body are exactly suited to the dangerous growth of the germs of cold, influenza, pneumonia, etc. Nature may be best assisted in resisting the development of serious diseases from infection in these regions by the use of a powerful antiseptic solution, cleansing and disinfecting thoroughly. Use Lu-Ora for this purpose and for other purposes as indicated herein. * * * aids in keeping the gum tissue in a healthful condition. Pyorrhea * * * Lu-Ora is effective in preventing Pyorrhoeal infection, and is valuable in the treatment of the disease. * * * Mouth Ulcers—White ulcerated spots in the mouth generally indicate the bacterial diseases known as Trench Mouth, or Stomatitis. * * * Swab the spots with Lu-Ora, full strength * * * Lu-Ora affords relief in cases

of catarrh, * * * Sore Throat, Tonsilitis—Gargle with Lu-Ora full strength every two to three hours. Care should be taken to use Lu-Ora at the first sign of 'huskiness' * * * This may prevent the discomfort and annoyance of a sore throat, or tonsilitis. Children, especially should be taught to use Lu-Ora as indicated above, as diseased tonsils are the source of toxic infection that may be very serious. Teach children to keep the oral cavity cleared of disease germs by using Lu-Ora."

On April 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18215. Adulteration and misbranding of No. 7 alkaline and antiseptic tablets. U. S. v. 14 Gross Bottles of No. 7 Alkaline and Antiseptic Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26013. I. S. No. 20385. S. No. 4277.)

Examination of a drug product, known as No. 7 alkaline and antiseptic tablets, from the shipments herein described having shown that the article was not antiseptic when used as directed, also that the label bore curative and therapeutic claims that were not justified by the composition of the article, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 gross bottles of No. 7 alkaline and antiseptic tablets, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by John Wyeth & Bro. (Inc.), from Philadelphia, Pa., in various shipments, on or about February 4, February 5, and February 13, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, sodium salicylate, sodium benzoate, sodium bicarbonate, sodium borate, and small proportions of menthol, thymol, eucalyptol, and methyl salicylate.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the article fell below such professed standard in that it was not antiseptic in the solution recommended.

Misbranding was alleged for the reason that the following statements, appearing on the bottle label and circular, were false and misleading: (Bottle) "Antiseptic Tablets * * * it will prove a most valuable * * * antiseptic;" (circular) "Antiseptic Tablets * * * may be used with benefit as a disinfecting and antiseptic * * * wash." Misbranding was alleged for the further reason that the following statement appearing on the label, regarding the curative or therapeutic effects of the article, "In cases of Stomatitis and retraction of the gums," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18216. Adulteration of ergot of rye. U. S. v. 3 Bags of Ergot of Rye. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25594. I. S. No. 8258. S. No. 3891.)

Samples of ergot of rye from the shipment herein described having been found to be moldy, decomposed, and worm eaten, and to contain worm excreta, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On January 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three bags of ergot of rye at Cincinnati, Ohio, alleging that the article had been shipped by J. L. Hopkins & Co., from New York, N. Y., on or about November 1, 1930, and had been transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food

and drugs act. The article was labeled in part: "Manuel Lopez Cartucho Dacon, Spain. Spanish Ergot from J. L. Hopkins & Co., Drug Importers, New York."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as described by the test laid down in said pharmacopoeia.

On February 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18217. Misbranding of Gum-Rub. U. S. v. 29 Jars of Gum-Rub. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26007. I. S. No. 20418. S. No. 4279.)

Examination of a drug product, known as Gum-Rub, from the shipment herein described having shown that the jar and carton labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 jars of Gum-Rub, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Gum Rub (Inc.), from Washington, D. C., on or about December 4, 1930, and had been transported from the District of Columbia into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sulphur (21.6 per cent), glycerin, gum, and water, flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A Treatment for Pyorrhea and Lesser Gum Disorders * * * A Home treatment for and in prevention of pyorrhea, and its forerunners—receding, bleeding, tender and flabby gums, gum ailments, concurrent with pregnancy, * * * gingivitis; for starved or undernourished gums. To revitalize the circulation, as a toner. * * * A Home treatment for and in prevention of pyorrhea, and its forerunners—bleeding, receding, spongy gums and other gum disorders. * * * Gum-Rub maintains health and vigor in the gums;" (jar label) "For Pyorrhea, Receding, Bleeding, Spongy and starved or undernourished gums; * * * Gum ailments during pregnancy * * * Also, in prevention;" (circular) "Gum Rub maintains health, vigor, * * * in the gums. Furthermore, Gum Rub is a scientific treatment of mechanico-therapy value in pyorrhea and its forerunners; bleeding and receding gums, and other gum ailments, both for professional use and as a home treatment. * * * Treatments. Pyorrhea * * * In treating pyorrhea it is important to maintain proper nourishment in the gums in order to build up the impaired tissues, * * * For these prime requisites Gum Rub, in one operation, quickly and effectively resuscitates the circulation, thereby aiding nature in rebuilding the impaired tissues; * * * Receding Gums are generally due to the superficial gum surfaces having been denied nourishment. Thus the gums have shrunk or atrophied. If this condition is allowed to progress, finally the underlying structure also becomes deprived of proper nourishment and becomes a positive forerunner of, and leads to, pyorrhea. Treatment: In receding gums it is necessary to revivify the circulation so that fresh blood reaches the undernourished parts and rebuilds the tissue which has shrunk. Gum Rub Treatment promptly revitalizes the circulation. * * * In cases of marked recedence of gums, * * * the quantity of Gum Rub should not be cut down if it is hoped to overcome this gum disease and avoid pyorrhea. * * * Bleeding Gums * * * Too long delay and continued neglect of a bleeding condition may lead to pyorrhea. Treatment: To overcome bleeding gums, it is necessary to cause the tiny blood vessels to empty themselves and revivify the impaired circulation, to aid nature to build the broken-down tissues. In one operation Gum Rub revivifies the

circulation * * * The time required to overcome bleeding gum conditions will vary and depends upon how badly the circulation is impaired. However, you will feel an improvement after the very first Gum Rub treatment. * * * The treatment should be continued until the gums have returned to a normally healthy condition. Thereafter Gum Rub, once a day will aid in preventing the recurrence of this condition. * * * Flabby Gum Conditions—Due to undernourishment. Revitalization of the circulation and cleanliness are necessary. Spongy and flabby gums respond rapidly to Gum Rub treatment as in one operation Gum Rub revitalizes the circulation * * * Furthermore, by keeping the mouth clean one can often avoid various diseases of the gums. Dental hygienists are today using Gum Rub as a part of their oral prophylaxis routine. * * * In Pregnancy—During the earlier months, disorders occur in the secretion of saliva and in the blood supply of the gums. As time goes on, an increase in gum infection and tooth decay may follow, ending in rapid and hopeless tooth destruction and chronic pyorrhea. Early treatment with Gum Rub will prevent this unfortunate sequel. * * * Bear in mind that gum diseases are not a temporary or overnight condition, but the result of having neglected minor afflictions over a long period of time. Usually gum diseases reach a semi-serious or serious stage before the patient commences treatment. Thus, treatment with Gum Rub should not be discontinued because gums show a superficial improvement, due to the quick action of Gum Rub, but the treatment with Gum Rub should be continued until your dentist pronounces your gums as having returned to a normal and healthy condition. Thereafter, treatment once a day should be continued as a prevention against recurrence of the disease."

On April 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18218. Misbranding of Dr. Bull's sarsaparilla compound. U. S. v. 19 Bottles, et al., of Dr. Bull's Sarsaparilla Compound. Default decrees of condemnation, forfeiture, and destruction. F. & D. Nos. 25809, 25810. I. S. Nos. 8498, 8502. S. Nos. 4026, 4032.)

Examination of a drug product, known as Dr. Bull's sarsaparilla compound, from the shipments herein described having shown that the bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On February 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four and seven-twelfths dozen bottles of Dr. Bull's sarsaparilla compound, remaining in the original unbroken packages at Waco, Tex., alleging that the article had been shipped by John D. Park & Sons Co., from Cincinnati, Ohio, in part on or about June 2, 1930, and in part on or about October 23, 1930, and had been transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, small proportions of extracts of plant drugs, sugar, alcohol, and water colored with a red dye.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Recommended for diseases arising from an impure state of the system, such as Scrofula, Obstinate Cutaneous Eruption, Pimples on the face, Blisters, Boils, Ringworm, Tetters, Scald Head, Pains in the bones or joints, General Debility and diseases arising from an injudicious use of mercury."

On February 25, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18219. Adulteration and misbranding of ether. U. S. v. Thirteen 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 25669. I. S. No. 20539. S. No. 3950.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirteen 1-pound cans of ether at Cleveland, Ohio, alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about November 1, 1930, and had been transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the can label, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On March 13, 1931, no claimant having appeared for the property, judgment was entered finding that the product was liable to condemnation and forfeiture, and it was ordered by the court that the said product be sold by the United States marshal under such terms and conditions as were not in violation of the Federal food and drugs act, and that upon failure to so dispose of the product that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18220. Misbranding of Dr. Alexander's Lung Healer. U. S. v. 16 Bottles of Dr. Alexander's Lung Healer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25983. I. S. No. 15375. S. No. 4208.)

Examination of samples of a drug product, known as Dr. Alexander's Lung Healer, having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of New Jersey the shipment herein described, involving a quantity of the product located at Newark, N. J.

On March 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 bottles of Dr. Alexander's Lung Healer, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Valley Drug Co., from Wilkes-Barre, Pa., on or about January 26, 1931, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including ipecac, chloroform, glycerin, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lung Healer * * * For the Treatment of Coughs, * * * Spasmodic Croup, Hoarseness, Bronchitis, Whooping Cough & Bronchial Asthma;" (carton) "Lung Healer * * * For the Treatment of Coughs, * * * Bronchitis * * * Bronchial Asthma, Whooping Cough and Spasmodic Croup. * * * This famous remedy is to relieve the specified ailments—Lung Trouble."

On April 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18221. Misbranding of Gilbert's oral antiseptic. U. S. v. 29 Bottles of Gilbert's Oral Antiseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26073. I. S. No. 27884. S. No. 4389.)

Examination of a drug product, known as Gilbert's oral antiseptic, having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was not antiseptic when diluted with an equal volume of water, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Pennsylvania, the shipment herein described, involving one lot of the product located at Philadelphia, Pa.

On March 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 bottles of Gilbert's oral antiseptic, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Gilbert Products Corporation, Morristown, N. J., alleging that the article had been shipped from Morristown, N. J., on or about March 3, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a phenolic compound and water flavored with oil of anise. Bacteriological examination showed that the article when diluted with an equal volume of water was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the said article were false and misleading: "When diluted it forms a non-germicidal solution that retains the penetrative and stimulating powers of the PMG and in this form the globules of the PMG adhere to the delicate tissues and after penetration stimulate a * * * mild antiseptic action. * * * If the Antiseptic cannot be tolerated full strength, dilute with three parts of water, and use frequently. * * * Start using a dilution of one part of Antiseptic to three parts of water. * * * Where the undiluted products cannot be tolerated, a more frequent use of one part of Antiseptic in three parts of water is recommended." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "When the gums are tender or bleeding, * * * Tender and Bleeding Gums * * * Pyorrhea Alveolaris * * * Dentists using concentrated PMG in the treatment of Pyorrhea will prescribe the strength of Gilbert's Oral Antiseptic desired for your particular case. Vincent's Angina (Trench Mouth) * * * Gilbert's Oral Antiseptic should be used according to the instructions of your dentist;" (bottle) "For specific conditions such as sore throat, tender gums;" (carton) "As a safeguard against infection * * * Indicated in treatment of tender and bleeding gums, * * * and as prescribed by the dentist for Gingivitis, Pyorrhea, and Vincent's Infection."

On April 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18222. Misbranding of Gilbert's oral antiseptic. U. S. v. 21 Bottles of Gilbert's Oral Antiseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26052. I. S. No. 16049. S. No. 4317.)

Examination of a drug product, known as Gilbert's oral antiseptic, having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was not antiseptic when diluted with an equal volume of water, the Secretary of Agriculture reported to the United States attorney for the District of Maryland and the shipment herein described, involving one lot of the product located at Baltimore, Md.

On March 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of Gilbert's oral antiseptic, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Gilbert Products Corporation, from Morristown, N. J., on or about

February 20, 1931, and had been transported from the State of New Jersey into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a phenolic compound and water flavored with oil of anise. Bacteriological examination showed that the article when diluted with an equal volume of water was not antiseptic.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the circular accompanying the said article were false and misleading: "When diluted it forms a non-germicidal solution that retains the penetrative and stimulating powers of the PMG and in this form the globules of PMG adhere to the delicate tissues and after penetration stimulate a * * * mild antiseptic action. * * * If the Antiseptic cannot be tolerated full strength, dilute with three parts of water, and use frequently. * * * Start using a dilution of one part of Antiseptic to three parts of water. * * * Where the undiluted product cannot be tolerated, a more frequent use of one part of Antiseptic in three parts of water is recommended." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "When the gums are tender or bleeding * * * Tender and Bleeding Gums * * * Pyorrhea Alveolaris * * * Dentists using concentrated PMG in the treatment of Pyorrhea will prescribe the strength of Gilbert's Oral Antiseptic desired for your particular case. Vincent's Angina (Trench Mouth) * * * Gilbert's Oral Antiseptic should be used according to the instructions of your dentist;" (bottle) "For specific conditions such as sore throat, tender gums;" (carton) "As a safeguard against infection * * * Indicated in treatment of tender and bleeding gums, * * * and as prescribed by the dentist for Gingivitis, Pyorrhea and Vincent's Infection."

On March 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18223. Adulteration and alleged misbranding of Runners' Cold Breakers. U. S. v. 7½ Dozen Packages of Runners' Cold Breakers. Default decree of condemnation and destruction. (F. & D. No. 26062. I. S. No. 28150. S. No. 4296.)

Examination of a drug product, known as Runners' Cold Breakers, from the shipment herein described showed that the carton and circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Examination further showed that the article contained cinchonine sulphate which produces physiological effects similar to that produced by quinine sulphate, and that it contained less acetanilid than declared on the label.

On March 23, 1931, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven and one-fourth dozen packages of Runners' Cold Breakers at Washington, Pa., alleging that the article had been shipped by the C. H. Griest Co., from Wheeling, W. Va., on or about November 6, 1930, and had been transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of tablets containing acetanilid (0.915 grain each or 56.6 grains per ounce), cinchonine sulphate (0.6 grain each), and camphor.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Acetanilid 78 grains per ounce, 1½ grains per tablet."

Misbranding was alleged for the reason that the following statements, appearing on the carton and in the accompanying circular, were false and misleading: (Carton) "Acetanilid 78 grs. per ounce, 1½ grs. per tablet;" (circular) "Runners' Cold Breakers do not contain ordinary quinine sulphate and therefore won't make the head ring or feel stuffy." It was further alleged in the

libel that the article was also misbranded under the act as amended, section 8, paragraph 3, in the case of drugs, in that the statements on the carton and circular (carton) "A Preparation for * * * LaGrippe and Neuralgia," and (circular) "To break up * * * LaGrippe in a few hours," were false and misleading. Regarding the charge under the act as amended, section 8, paragraph 3, this department recommended that the charge be brought that the article was misbranded in that the statements on the carton, "A Preparation for * * * LaGrippe and Neuralgia," and on the circular, "To break up * * * LaGrippe in a Few Hours," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 23, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18224. Misbranding of Runners' R. R. R. rheumatic remedy and Runners' Old Fashioned sarsaparilla compound. U. S. v. One-Half Dozen Packages of Runners' R. R. R. Rheumatic Remedy, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 26063, 26064. I. S. Nos. 28251, 28252. S. No. 4296.)

Examination of the drug products herein described having shown that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed for the articles on the bottle and carton labels, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of one-half dozen packages of Runners' R. R. R. rheumatic remedy and four packages of Runners' Old Fashioned sarsaparilla compound at Washington, Pa., alleging that the articles had been shipped by the C. H. Griest Co., from Wheeling, W. Va., the former on or about February 2, 1931, and the latter on or about February 12, 1931, and had been transported from the State of West Virginia into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the sarsaparilla compound consisted of extracts of laxative plant drugs such as podophyllum and senna, licorice extract, potassium iodide (3.6 grains per fluid ounce), alcohol, and water; and that the rheumatic remedy consisted of sodium salicylate (6.25 grams per 100 milliliters, equivalent to 28.5 grains per fluid ounce), extracts of plant drugs, a trace of alcohol, and water.

It was alleged in the libels that the articles were misbranded in violation of section 8 of the act as amended, paragraph 3, in the case of drugs, in that the following statements were false and misleading: (Runners' R. R. R. rheumatic remedy, carton) "Rheumatic Remedy * * * This Remedy by Aiding in the Elimination of the Uric Acid from the System Gives Relief in Chronic or Muscular Rheumatism, Lumbago—Gout and Similar Rheumatic Conditions;" (Runners' R. R. R. rheumatic remedy, bottle label) "Rheumatic Remedy * * * This Remedy by Aiding in the Elimination of the Uric Acid from the System Gives Relief in Chronic or Muscular Rheumatism, Lumbago—Gout and Similar Rheumatic Conditions * * * Rheumatic Remedy Directions—For Rheumatism * * * In Gout, during the severe Paroxysms;" (Runners' sarsaparilla compound, carton) "Recommended as a system Tonic * * * And as a Blood Purifier in case of Scrofula, Ulcers, Pimples, Boils, Eczema and Similar disorders caused by Impoverished Blood;" (Runners' sarsaparilla compound, bottle label) "Recommended as a System Tonic * * * And as a Blood Purifier in cases of Scrofula, Ulcers, Pimples, Boils, Eczema and Similar Disorders caused by Impoverished Blood * * * Directions * * * For a weak or delicate person." This department recommended that the charge be brought that the above-quoted statements from the labeling, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On April 23, 1931, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18225. Misbranding of Dr. A. Peters' Tuberosum pyorrhea treatment. U. S. v. 28 Bottles of Dr. Peters' Tuberosum Pyorrhea Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25747. I. S. Nos. 8466, 8470. S. No. 3980.)

Examination of a drug product, known as Dr. A. Peters' Tuberosum pyorrhea treatment, from the shipments herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 bottles of Dr. Peters' Tuberosum pyorrhea treatment at Houston, Tex., alleging that the article had been shipped by the Tuberosum Pyorrhea Co., from Broken Bow, Okla., into the State of Texas, in part on or about October 29, 1930, and in part on or about November 17, 1930, that it was labeled in part, "Pyorrhea. This Preparation is a Preventive and Remedy * * * Pyorrhea Treatment for Sore, Bleeding Gums and Loose Teeth," and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of acetic acid, salicylic acid, a small proportion of phenol, starch, and water, flavored with cinnamon oil and coumarin.

It was alleged in the libel that the article was misbranded, which misbranding was false and misleading. This department recommended that the charge be brought that the article was misbranded in that the following statements on the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Bottle) "Pyorrhea. This preparation is a Preventive and Remedy * * * Pyorrhea Treatment for Sore Bleeding Gums and Loose Teeth;" (carton) "Pyorrhea Treatment. This Preparation is a Preventive and Treatment;" (circular) "I suffered from Pyorrhea for thirteen years, * * * told me to get a bottle of Tuberosum Pyorrhea Treatment * * * Within three and one half months I was apparently well and felt like a new man. * * * I think it is a fine treatment for Pyorrhea * * * my face was swollen, my gums had turned black. * * * I got a bottle of your Pyorrhea Treatment and my gums began to get better from the very first application, and before I had used one bottle my gums were well, and my teeth were tight. I think your medicine is the greatest cure for Pyorrhea that I ever saw. I shall always keep it."

On March 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 18201-18225

	N.J. No.		N.J. No.
Abell's Formalde balm:		Gum-Rub:	
Home Remedy Co-----	18206	Gum-Rub (Inc.)-----	18217
Alexander's, Dr., Lung Healer:		Insurol:	
Valley Drug Co-----	18220	Deutsche Vital Gesselschaft--	18212
Alkaline and antiseptic tablets No. 7:		Uran Gesselschaft-----	18212
Wyeth, John, & Bro. (Inc.)--	18215	Lu-Ora:	
Aromanna:		Stevens Luke Co-----	18214
Holdstein Drug Co-----	18213	McCormick's cold and pain salve:	
Astyptodyne healing oil:		McCormick & Co-----	18204
Astyptodyne Chemical Co----	18208	Peters', Dr. A., Tuberosum pyorrhea	
Brame's Vapomentha salve:		treatment:	
Brame, R. M., & Sons-----	18211	Tuberosum Pyorrhea Co-----	18225
Bull's, Dr., sarsaparilla compound:		Phoceol:	
Park, John D., & Sons Co-----	18218	Fougera, E., & Co-----	18202
C. P. Tet:		Serra, Garabis & Co-----	18202
Chloride C. P. Co-----	18208	Pyros:	
Chloroform:		Pyros Co-----	18207
	18201	Runners' Cold Breakers:	
Cod-liver extract, Wampole:		Griest, C. H., Co-----	18223
Serra, Garabis & Co-----	18205	Old Fashioned sarsaparilla com-	
Wampole, Henry K., Co-----	18205	pound:	
Ergot of rye:		Griest, C. H., Co-----	18224
Hopkins, J. L., & Co-----	18216	R. R. R. rheumatic remedy:	
Ether:		Griest, C. H., Co-----	18224
Mallinckrodt Chemical Works--	18219	Stypstringant:	
Gilbert's oral antiseptic:		Lawrence Chemical Co-----	18210
Gilbert Products Corporation		Vitalex:	
18221, 18222		Chemicals & Drugs (Inc.)---	18203

★ DEC 1 1931 ★

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18226-18300

[Approved by the Secretary of Agriculture, Washington, D. C., November 14, 1931]

18226. Adulteration of walnut meats. U. S. v. 298 Boxes of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18680. I. S. No. 12145-v. S. No. E-3265.)

Samples of walnut meats from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On May 26, 1924, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 298 boxes of walnut meats, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Hale Co., from San Francisco, Calif., on or about April 15, 1924, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Halco Brand Walnut Meats, The Hale Co., San Francisco, Importers."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal (vegetable) substance.

On May 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18227. Adulteration of canned pimientos. U. S. v. 125 Bottles of Pimientos. Default decree of condemnation and destruction. (F. & D. No. 25330. I. S. No. 4932. S. No. 3598.)

Samples of pimientos contained in glass jars, taken from the shipment herein described, having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Hampshire.

On or about November 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 bottles (jars) of pimientos, remaining in the original unbroken packages at Manchester, N. H., alleging that the article had been shipped by Von Bremen-Asche-De Bruyn (Inc.), Vienna, Ga., on or about September 22, 1930, and had been transported from the State of Georgia into the State of New Hampshire, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Carola Pimientos * * * Von Bremen-Asche & Co., New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 2, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18228. Misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$150. (F. & D. No. 25691. I. S. Nos. 023422, 023445.)

Samples of butter contained in 1-pound cartons, and consisting of alleged quarter-pound cubes, from the lots herein described having been found to contain less than the declared net weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On April 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Mutual Creamery Co., a corporation, trading at Seattle, Wash., alleging that on or about May 13, 1930 and June 27, 1930, the said company delivered at Seattle, Wash., for shipment into the Territory of Alaska, quantities of butter, which was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Maid O'Clover * * * Butter * * * One Pound Net * * * Manufactured & Distributed by Mutual Creamery Company;" (wrapper) "Net Weight Four Ounces."

It was alleged in the information that the article was misbranded in that the statement, to wit, "One Pound Net," borne on the carton, and the statement, to wit, "Net Weight Four Ounces," borne on the wrapper, were false and misleading in that the said statements represented that each of the cartons contained 1 pound net of butter, and that each of the wrappers contained 4 ounces net of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cartons contained 1 pound of butter, and that each of the wrappers contained 4 ounces of butter; whereas the carton and wrapper did not contain the amount declared on the label, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1931, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18229. Adulteration and alleged misbranding of evaporated apples. U. S. v. 24 Cases of Evaporated Apples. Default decree of destruction. (F. & D. No. 25676. I. S. No. 13937. S. No. 3958.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On January 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of evaporated apples at Lebanon, Mo., alleging that the article had been shipped by Claypool & Hazel from Springdale, Ark., on or about October 4, 1930, and had been transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Morning Glory Brand, Evaporated Apples, Packed by Claypool and Hazel, Springdale, Ark."

It was alleged in the libel that the article was adulterated in that partially evaporated apples had been substituted for evaporated apples.

Misbranding was alleged for the reason that the designation "Evaporated Apples," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to partially evaporated apples.

On May 1, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18230. Adulteration of canned sardines. U. S. v. 300 Cases of Canned Sardines. Consent decree of condemnation entered. Product ordered destroyed. (F. & D. No. 25215. I. S. No. 13415. S. No. 3481.)

Samples of canned sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 cases of canned sardines, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Brawn Co., from Portland, Me., on or about August 20, 1930, and had been

transported from the State of Maine into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Commercial Brand [or "Casco Brand"] American Sardines * * * The Brawn Company, Portland, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 1, 1930, claim and answer having been filed in the case, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal, the decree providing, however, that the product might be released to the claimant upon payment of costs and the execution of a bond, conditioned in part that it be disposed of in a manner approved by this department and in accordance with the provisions of the Federal food and drugs act.

On February 25, 1931, the claimant having failed to comply with the terms of the decree, the court ordered that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18231. Adulteration and misbranding of jellies. U. S. v. Cedric R. Merrifield and the Pacific Manufacturing Co. (C. R. Merrifield & Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 25039. I. S. No. 019247.)

Examination of samples of jellies from the shipment herein described showed that they were imitation fruit jellies, that artificial color was present in the raspberry and strawberry jellies, that the flavor of the raspberry jelly was artificial, and that the remaining jellies did not have the characteristic flavor of the fruit.

On March 18, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Cedric R. Merrifield, an individual, and the Pacific Manufacturing Co., a corporation, Seattle, Wash., alleging shipment by said defendants under the name of C. R. Merrifield & Co., in violation of the food and drugs act, on or about October 12, 1929, from the State of Washington into the State of Oregon, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: "Merrifield's * * * Raspberry [or "Strawberry" or "Loganberry" or "Blackberry"] Pectin Jelly acid added C. R. Merrifield & Co. Seattle, Wash."

It was alleged in the information that the articles were adulterated in that imitation raspberry jelly containing added and undeclared artificial color and flavor had been substituted for raspberry pectin jelly; imitation loganberry jelly had been substituted for loganberry pectin jelly; imitation strawberry jelly containing added and undeclared artificial color, had been substituted for strawberry pectin jelly; and imitation blackberry jelly had been substituted for blackberry pectin jelly.

Misbranding was alleged for the reason that the statements, "Raspberry Pectin Jelly," "Strawberry Pectin Jelly," "Loganberry Pectin Jelly," and "Blackberry Pectin Jelly," respectively, borne on the jars containing the articles, were false and misleading in that the said statements represented that the articles consisted solely of the jellies named; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted solely of the jellies named; whereas they did not so consist, in that they were imitation jellies, and the raspberry pectin jelly contained added and undeclared artificial flavor and color, and the strawberry pectin jelly contained added and undeclared artificial color. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On April 8, 1931, a plea of guilty was entered by the defendant, Cedric R. Merrifield, and also on behalf of the defendant, the Pacific Manufacturing Co., and the court imposed a single fine upon both defendants of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18232. Adulteration of canned pimientos. U. S. v. 307 Cases of Pimientos. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25493. I. S. Nos. 8199, 8200. S. No. 3739.)

Samples of pimientos in jars from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On December 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 249 cases, each containing 24 jars, and 58 cases, each containing 48 jars of pimientos at Cincinnati, Ohio, consigned by the Pomona Products Co., Griffin, Ga., alleging that the article had been shipped on or about September 10, 1930, in interstate commerce from Griffin, Ga., into the State of Ohio, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Georgia Belle Pimientos * * * Grown & Packed by Pomona Products Co., Griffin, Ga." The remainder of the said article was labeled in part: "Sunshine Brand * * * Pimientos Pomona Products Co. Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On February 24, 1931, the Pomona Products Co., Griffin, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be salvaged under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18233. Alleged adulteration and misbranding of butter. U. S. v. South Peacham Creamery Co. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 25689. I. S. No. 027430.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Vermont.

On November 28, 1930, the United States attorney filed in the District Court aforesaid an information against the South Peacham Creamery Co., a corporation, South Peacham, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about May 27, 1930, from the State of Vermont into the State of Massachusetts of a quantity of butter, which was charged to be adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per centum by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the cartons containing the article, was false and misleading in that the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat; and for the further reason that it was labeled butter, so as to deceive and mislead the purchaser into the belief that it contained not less than 80 per cent of milk fat; whereas the information alleged that the article contained less than 80 per cent of milk fat.

On May 18, 1931, the case came on for trial before the court and a jury, and evidence was introduced on behalf of the Government and the defendant. On May, 19, 1931, the taking of testimony was completed and arguments were made by counsel for the Government and defendant, upon the completion of which the court delivered the following charge to the jury (Howe, J.):

"Gentlemen of the jury: The first count in this information is the only one submitted to you. There are two charges in it for violations of the pure food and drug law, but there is only evidence as to one, that is the first count or charge. There is only one principal question of fact in the case for you to decide, that is, whether the South Peacham Creamery, on the 27th day of May, shipped butter into Massachusetts which contained less than 80 per cent of milk fat—on the 27th day of May. If the creamery company shipped into Massachusetts from Vermont a quantity of butter which contained less than 80 per cent of milk fat, if you are satisfied beyond a reasonable doubt that they did ship butter on the 27th day of May from Vermont into Massachusetts, and you are satisfied beyond a reasonable doubt that it contained less than 80 per cent milk fat, you will find the defendant guilty. Your verdict, Mr. Foreman, will be oral and will be guilty or not guilty.

"There has been no evidence in the case what the effect of time, if any, has on the percentages of milk fat. Of course, in order to find the defendant

guilty, you must be satisfied that on the 27th day of May this butter contained less than 80 per cent of milk fat. The defendant, under the law, is not required to guarantee that it continued to contain more than 80 per cent of milk fat after the shipment is completed.

"The burden of proof, in this case, is on the Government. To begin with, gentlemen, the defendant is presumed to be innocent. This is a criminal case. If your verdict is guilty, the defendant will be obliged to pay a fine—can't send the defendant to jail because it is a corporation. In a criminal case the only punishment that can be dealt out to a corporation is to make them pay a fine. What is the presumption of innocence in a criminal case? What does it mean? It means that the jury start in the trial of a case and continue the trial of a case with the thought and the belief uppermost in their minds that the defendant did not ship in interstate commerce butter containing less than 80 per cent milk fat. You should have that uppermost in your minds, verily believe that, and continue to believe that throughout the trial until the Government has introduced sufficient evidence to convince you that the defendant did ship butter containing less than 80 per cent milk fat beyond a reasonable doubt—convince you of that fact beyond a reasonable doubt—that's the presumption of innocence. It's a very old law and a very sound law. It is, in fact, evidence in the defendant's favor which protects the defendant throughout the trial until sufficient evidence has been introduced to prove that the defendant is guilty beyond a reasonable doubt.

"And then, the next question you want to know is what is a reasonable doubt? A reasonable doubt does not mean beyond all doubt, but it means beyond such a doubt as a reasonable man would have after considering all the evidence in the case. Beyond a doubt based on reason, beyond a doubt for which you can not give a good reason. If, after an impartial consideration of all the evidence in the case, you can candidly say that you are not satisfied with the defendant's guilt, you have a reasonable doubt and you should find the defendant not guilty. If you can candidly say that you are not really and truly satisfied with the defendant's guilt, you should find the defendant not guilty. But, if after such impartial consideration of all the evidence, you have an abiding conviction of the defendant's guilt, and that abiding conviction is so strong that you would be willing to act upon it in deciding a very important matter relating to your own affairs, such as the welfare of your family, your daughter, your son, a very important matter relating to your own affairs, if you are sure of the defendant's guilt to that extent, then you have no reasonable doubt and you should find the defendant guilty.

"The mere fact that the Government has instituted this case, commenced this prosecution; you shouldn't infer from that fact that the defendant is guilty or draw any unfavorable inference whatever against the defendant because it is being prosecuted here.

"If you can reconcile the testimony on any reasonable basis consistent with the defendant's innocence you must do so and in that case find the defendant not guilty. This is a very old law and a very sound law and it means that if there are two or more theories in the case—in a criminal case—two or more theories, and they are each equally reasonable, one theory leads to guilt, and the other theory leads to innocence, the jury must adopt the theory leading to innocence instead of the theory leading to guilt, because it is safer and better to believe good of a person rather than to believe evil of him—believe good of a corporation rather than to believe evil of it, believe good of a company or association instead of believing evil of it, if you can do so on a basis consistent with reason and which is reasonable in view of all the evidence in the case.

"As to the credibility of the witnesses and the weight to be given to their testimony, the law is that you are not bound to give the same credit or the same weight or have the same faith in the testimony of each witness, but you should give their testimony just such weight, give it just such credit, have just such faith in it, as you think it is fairly entitled to receive. Consider their appearance upon the stand, their candor or lack of candor, their feelings or bias, if any, their interest in the result of the prosecution, if any, and the reasonableness of the testimony which they give, and believe as much or as little of the testimony of each witness as you think you ought to.

"If you are satisfied beyond a reasonable doubt that the butter that was analyzed was butter made by this defendant, the South Peacham Creamery, and that when it was shipped in interstate commerce on the 27th day of May, it contained less than 80 per cent of butterfat, if you are satisfied of those facts

beyond a reasonable doubt, as defined, your verdict should be guilty. If you are not satisfied of those facts beyond a reasonable doubt, if you are not satisfied with the identity of the butter, if you are not satisfied that it contained less than 80 per cent milk fat on the 27th of May, the date it was shipped and delivered at Boston, if you are not satisfied of those facts beyond a reasonable doubt, then your verdict will be not guilty. You won't need the complaint because there is just one charge."

The jury retired and after deliberating for several hours returned a verdict of not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18234. Adulteration of canned prunes. U. S. v. 100 Cases, et al., of Canned Prunes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25777, 25897. I. S. Nos. 12182, 12209. S. Nos. 3994, 4094.)

Samples of canned prunes from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On or about January 24 and February 17, 1931, the United States attorney filed in the United States District Court aforesaid libels praying seizure and condemnation of 471 cases of canned prunes, remaining in the original unbroken packages in part at Pueblo, Colo., and in part at Lamar, Colo., consigned by the Ray-Maling Co., Hillsboro, Oreg., alleging that the article had been shipped in interstate commerce into the State of Colorado, a portion having been shipped from Hillsboro, Oreg., on or about October 8, 1930, and the remainder from Woodburn, Oreg., on or about October 11, 1930, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Cans) "Jordan Brand Italian Prunes, * * * Packed for J. S. Brown Mercantile Co." The remainder of the said article was labeled in part: (Case) "Bar-B-Q Brand Prunes Packed for the Jett and Wood Mercantile Co. Wichita and Hutchison, Kans."

Adulteration was alleged in the libel filed with respect to a portion of the product for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged with respect to the remainder of the article for the reason that it consisted in part of a decomposed vegetable substance.

On April 20, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18235. Misbranding of tomato paste. U. S. v. 235 Cases, et al., of Tomato Paste. Decree adjudging product misbranded, and ordering its release under bond. (F. & D. No. 25805. I. S. Nos. 17506, 17507. S. No. 4039.)

Samples of canned tomato paste having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On January 27, 1931, the United States attorney filed in the District Court aforesaid a libel praying seizure and condemnation of 385 cases of tomato paste, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by F. G. Favaloro (Inc.), from Harrington, Del., on or about October 11, 1930, and had been transported from the State of Delaware into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. Seizure was effected of a portion of the article labeled in part: (Can) "Carmela Brand Tomato Paste * * * Net Weight Five Ounces Packed by F. G. Favaloro Sons, Inc., New Orleans La. Contenuto Netto Five Once."

It was alleged in the libel that the article was misbranded in that the statements on the labels of the containers were false and misleading as to the weight of the contents of said containers. Misbranding was alleged for the further reason that statements on the labels were false and misleading and deceived and misled the purchaser, since the container was falsely branded as to the State in which the article was manufactured and produced. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 14, 1931, F. G. Favaloro Sons (Inc.), New Orleans, La., having appeared as claimant for the property, judgment was entered finding the essential allegations of the libel to be true, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,595.80, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the laws of the United States or of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18236. Adulteration of canned stringless beans. U. S. v. 20 Cases, et al., of Stringless Beans. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25182, 25185, 25193. I. S. Nos. 16626, 16628, 16629. S. Nos. 3453, 3454, 3455.)

Samples of canned stringless beans from the shipments herein described having been found to be sour, decomposed, or underprocessed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On or about October 3 and October 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 65 cases of canned stringless beans, remaining in the original unbroken packages, in various lots at Pennington Gap, Appalachia, and St. Charles, Va., alleging that the article had been shipped by Henley Runions, New Tazewell, Tenn., on or about July 21, 1930, and had been transported from the State of Tennessee into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Runions Best Brand Stringless Beans * * * Packed by Henley Runions, New Tazewell, Tenn."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 4, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18237. Adulteration of rabbits. U. S. v. 1½ Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25876. I. S. No. 24651. S. No. 4126.)

Samples of rabbits from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 10, 1931, the United States attorney filed in the District Court aforesaid a libel praying seizure and condemnation of 1½ barrels of rabbits at Chicago, Ill., alleging that the article had been shipped by the Green City Poultry Co., from Green City, Mo., January 31, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18238. Adulteration of canned tomatoes. U. S. v. 113 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25755. I. S. No. 14401. S. No. 4003.)

Samples of canned tomatoes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 113 cases of canned tomatoes, remaining in the original unbroken packages at Columbus, Ga., alleging that the article had been shipped by the Dean Canning Co., from Whitesburg, Tenn., on or about October 7, 1929, and had been transported from the State of Tennessee into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Ready Dinner Brand Tomatoes * * * Packed by Dean Canning Co., Russellville, Tenn."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18239. Adulteration and misbranding of canned orange juice. U. S. v. 300 Cases of Canned Orange Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26155. I. S. No. 22077. S. No. 4463.)

Samples of canned orange juice from the shipment herein described having been found to contain added sugar, and to be short of the volume declared on the can label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 cases of the said canned orange juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Orlando Canning Co. (Inc.), from Orlando, Fla., on or about February 20, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cases and cans) "Heart of Florida Brand Pure Florida Orange Juice, Contents 10½ Fl. Oz. or 297 Grams * * * Packed by Orlando Canning Co., Inc., Orlando, Florida."

It was alleged in the libel that the article was adulterated in that orange juice with added sugar had been substituted for the said article.

Misbranding was alleged for the reason that the statements on the case and can labels, "Orange Juice" and "Contents 10½ Fl. Oz.," were false and misleading, and deceived and misled the purchaser when applied to an article containing added sugar and which was short of the volume declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct; and for the further reason that it was offered for sale under the distinctive name of another article.

On April 29, 1931, William J. Boradori, San Francisco, Calif., having filed an appearance as agent for the Orlando Canning Co. (Inc.), Orlando, Fla., claimant, and said claimant having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be made to conform to the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18240. Adulteration of butter. U. S. v. 13 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26424. I. S. No. 12911. S. No. 4227.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard for butter prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the United Dairymen's Association, Caldwell, Idaho, on or about January 31, 1931, and had been transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On March 28, 1931, the Golden State Co. (Ltd.), San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of

a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be not sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18241. Misbranding of canned tomato sauce. U. S. v. 175 Cases of Canned Tomato Sauce. Consent decree of condemnation and forfeiture. Product ordered released upon deposit of collateral. (F. & D. No. 26095. I. S. No. 12551. S. No. 4417.)

Samples of canned tomato sauce having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On March 30, 1931, the United States attorney filed in the District Court aforesaid a libel praying seizure and condemnation of 175 cases of canned tomato sauce, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Greco Canning Co., San Jose, Calif., from San Francisco, Calif., on or about February 17, 1931, and had been transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "6 Doz. 8 Oz. Pep Spanish Style Hot Sauce Packed by Greco Canning Co., San Jose, Calif.;" (can) "Pep Spanish Style Hot Sauce * * * Net Contents 8 oz."

It was alleged in the libel that the article was misbranded in that the statement on the case and can label, "8 oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package, since the statement made was incorrect.

On April 21, 1931, the Greco Canning Co. (Inc.), San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of certified check in the sum of \$400, the said check to be returned to the claimant upon condition that the product be relabeled under the supervision of this department so that it conform to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18242. Adulteration of oysters. U. S. v. R. E. Roberts (Roy E. Roberts, trading as Wm. D. Gude & Co.). Plea of guilty. Fine, \$10. (F. & D. No. 25686. I. S. Nos. 026752, 026753, 028722.)

Samples of oysters from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against R. E. Roberts, to wit, Roy E. Roberts, trading as Wm. D. Gude & Co., Baltimore, Md., alleging shipment by said defendant, in violation of the food and drugs act, on or about December 11, 1929, from the State of Maryland in part into the State of Illinois, and in part into the State of New York, of quantities of oysters which were adulterated. The article was labeled in part: "Premium Brand Oysters * * * Packed by Wm. D. Gude & Co. Baltimore, Md."

It was alleged in the information that the article was adulterated in that a substance, added water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On March 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18243. Adulteration of scallops. U. S. v. Isaac H. Tawes and Gordon C. Willis (Gordon C. Willis Co.). Pleas of guilty. Fine, \$1 and costs. (F. & D. No. 25012. I. S. No. 05762.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of North Carolina.

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Isaac H. Tawes and Gordon C. Willis, copartners, trading as the Gordon C. Willis Co., Morehead City, N. C., alleging shipment by said defendants, in violation of the food and drugs act, on or about January 23, 1929, from the State of North Carolina into the State of Massachusetts, of a quantity of scallops which were adulterated.

It was alleged in the information that the article was adulterated in that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On April 13, 1931, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$1 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18244. Adulteration of canned pimientos. U. S. v. 9½ Cases of Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25630. I. S. No. 9801. S. No. 3917.)

Samples of canned pimientos from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On or about January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine and one-half cases of pimientos, remaining in the original unbroken packages at Appalachia, Va., alleging that the article had been shipped by Von-Bremen-Asche-De Bruyn (Inc.), from New York, N. Y., in part on or about September 3, 1930, and in part on or about October 28, 1930, and had been transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Carola Fancy Sweet Red Peppers Pimientos * * * Von Bremen-Asche-De Bruyn, Inc., New York, N. Y., Sole Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18245. Adulteration of canned salmon. U. S. v. 270 Cases of Canned Salmon. Consent decree of destruction entered. (F. & D. No. 25331. I. S. No. 8794. S. No. 3606.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On November 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 270 cases of canned salmon at Uniontown, Pa., alleging that the article had been shipped by the F. A. Gosse Co., from Seattle, Wash., on or about September 11, 1930, and had been transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Reynard Brand Pink Salmon * * * Packed for Fox Grocery Company, Charleroi, Pa., Uniontown, Pa."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 25, 1931, the Fox Grocery Co., Charleroi, Pa., having appeared as claimant, and having consented to the forfeiture and condemnation of the product, judgment was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18246. Adulteration of canned pimientos. U. S. v. 135 Cartons of Pimientos. Consent decree entered. Product ordered released under bond. (F. & D. No. 25818. I. S. No. 20544. S. No. 4055.)

Samples of pimientos in glass from the shipment herein described having been found to be decomposed and under-processed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 135 cartons, each containing 24 jars of pimientos, at Cleveland, Ohio, alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., on or about October 15, 1930, and had been transported from the State of Georgia into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Royal King Brand * * * Pimientos Grown & Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 5, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered ordering that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be disposed of in violation of the food and drugs act and other existing laws. The decree provided further that upon failure to recondition the product in accordance with the said bond, it be condemned and sold by the United States marshal under such terms and conditions as would not violate the food and drugs act, or be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18247. Adulteration of canned salmon. U. S. v. 4,350 (1,271) Cases of Salmon. Tried to the court. Judgment for the Government. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 25203. I. S. Nos. 1100, 1191, 1194, 2054. S. No. 3478.)

Samples of canned salmon from the shipment herein described having been found to be tainted and stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 28, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4,350 cases, each containing 48 cans of salmon, at Seattle, Wash. Subsequently the libel was amended to cover the 1,271 cases which were all of the product seized by the United States marshal. It was alleged in the libel, and in the exhibit attached thereto and made a part thereof, that the article had been shipped on or about September 2, 1930, by the Superior Packing Co., in interstate commerce from Tenakee, Alaska, into the State of Washington and that having been so transported, it remained unsold in the original unbroken packages at Seattle, Wash., and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On January 30, 1931, the Superior Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the interstate shipment and identity of samples, the case came on for trial before the court. Evidence having been introduced on behalf of the Government and claimant, the court took the case under advisement. Before the entry of final judgment, however, the court ordered that the case be reopened and that a joint examination of further samples be conducted. On March 27, 1931, the results of the joint examination of samples were presented to the court, and arguments by counsel for the Government and claimant were heard. On March 30, 1931, the court handed down its findings of fact and conclusions of law, which were embodied in the decree entered on the same date sustaining the allegations of the libel and ordering condemnation and forfeiture of the product. The decree provided, however, that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that the portion that was not adulterated be separated from the portion that was decomposed, under the supervision of this department, and that the former be released and the latter destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18248. Adulteration and misbranding of Maple Maid sirup. U. S. v. 11 Cases of Maple Sirup. Default decree of forfeiture and sale. (F. & D. No. 22785. I. S. No. 9916-x. S. No. 812.)

Examination of the product herein described showed that it was a sirup made from cane sugar and maple sugar, with the former predominating, the

samples examined having been bound to contain approximately 15 per cent of maple sirup.

On May 21, 1928, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 cases of Maple Maid sirup at Anaconda, Mont., alleging that the article had been shipped by the Early Coffee Co., Denver, Colo., on or about April 26, 1928, and had been transported from the State of Colorado into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act. The article was contained in pint, quart, and half-gallon cans labeled in part: "Maple Maid Syrup Made from Pure Refined Sugar and Maple Sugar, Manufactured by the Maple Maid Syrup Co., Denver, Colo." The label also bore a design showing a woman in the woods, carrying maple sap buckets.

It was alleged in substance in the libel that the article was adulterated in that it contained not more than 15 per cent of maple sirup, and in that sugar sirup had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Maple Maid Syrup" and the design of trees and buckets, appearing on the labels, were false and misleading and were intended to deceive and did deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

The Early Coffee Co. filed its intervention in the case denying that the product was adulterated and misbranded.

On January 17, 1931, no appearance having been made by the intervenor or any other party, judgment of forfeiture was entered and it was ordered by the court that the product be sold by the United States marshal and that costs be assessed against the Early Coffee Co., intervenor.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18249. Adulteration of soft-shell walnuts. U. S. v. 2 Bags of Soft-Shell California Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25864. I. S. No. 12202. S. No. 4103.)

Samples of soft-shell walnuts having been found to be moldy, wormy, empty, and shriveled, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On or about February 12, 1931, the United States attorney filed in the District Court aforesaid a libel praying seizure and condemnation of two bags of soft-shell walnuts, remaining in the original unbroken packages at Lamar, Colo., consigned by Jett and Wood Mercantile Co., Wichita, Kans., alleging that the article had been shipped from Wichita, Kans., on or about December 6, 1930, and had been transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "1929 Crop No. 1 Soft Shell California Walnuts Packed by C. C. Collins Co., Santa Ana, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18250. Adulteration of Greek string figs. U. S. v. 32 Cases, et al., of Greek String Figs. Consent decrees entered. Product released under bond to be reconditioned. (F. & D. Nos. 25381, 25480. I. S. Nos. 19278, 19279. S. Nos. 3657, 3753.)

Samples of Greek string figs from the shipments herein described having been found to be wormy and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On November 25 and December 11, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 32 cases and 25 boxes of Greek string figs at Cleveland, Ohio, alleging that the article had been shipped by the William A. Camp Co., New York, N. Y., in part on or about October 30, 1930, and in part on or about November 5, 1930, and had been transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Produce of Greece * * * Packed and Shipped by Seideman and Seideman. S. and S. Athena Brand, New York."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 21, 1931, the William A. Camp Co., New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered ordering that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of bonds totaling \$700, conditioned in part that it should not be disposed of in violation of the food and drugs act and other existing laws. The decrees provided further that, upon failure to recondition the product in accordance with the terms of the said bonds, it be condemned and sold by the United States marshal under such terms and conditions as would not violate the food and drugs act, or be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18251. Adulteration and misbranding of Tang-O. U. S. v. 14 Bottles, et al., of Tang-O. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25791, 25792, 25793. I. S. Nos. 14039, 14040, 14041. S. No. 3685.)

Examination of samples of flavoring sirups, labeled Tang-O, from the shipment herein described having shown that they were imitation fruit products, artificial in taste and odor and colored with amaranth, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 6, 1931, the United States attorney filed in the United States District Court for the district aforesaid libels praying seizure and condemnation of 3 dozen bottles of Tang-O at Chicago, Ill., alleging that the article had been shipped by the Julius Marcus Co., from Brooklyn, N. Y., on or about April 26, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tang-O Delicious Grape [or "Lemon" or "Raspberry"] Extract Manufacturers Original Julius Marcus Lab. Inc., Brooklyn, N. Y. Tang-O."

It was alleged in the libels that the article was adulterated in that a substance containing undeclared artificial flavor and color and containing no grape, lemon, or raspberry juice or essence of such fruits, had been substituted wholly for grape, raspberry, or lemon extracts, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Grape Extract," "Lemon Extract," or "Raspberry Extract," borne on the labels, were false and misleading in that the said statements represented that the article was grape, lemon, or raspberry extract, as the case might be; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of the said fruit extracts, whereas it did not. Misbranding was alleged for the further reason that it was an imitation of another article, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18252. Adulteration and misbranding of butter. U. S. v. 56 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26371. I. S. No. 29320. S. No. 4493.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Luana (Luana) Creamery Co., Luana (Luana), Iowa, arriving at New York on or about March 14, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On March 31, 1931, the Great Atlantic & Pacific Tea Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,600, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18253. Misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26406. I. S. No. 15520. S. No. 4043.)

Samples of butter from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cases of butter, remaining unsold at Union City, N. J., alleging that the article had been transported in interstate commerce by Heins & Co. (Inc.), Union City, N. J., from the premises of Gude Brothers Kiefer Co., New York, N. Y., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Fancy Print Butter Philadelphia Brand Sweet Eight Ounces."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Eight Ounces," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Eight Ounces" was incorrect.

On February 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18254. Adulteration of butter. U. S. v. 24 Tubs of Butter. Decree of condemnation and forfeiture. Product released under cash bond. (F. & D. No. 26405. I. S. No. 5092. S. No. 4114.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at Somerville, Mass., consigned about January 15, 1931, alleging that the article had been shipped by the Pipestone Produce Co., Pipestone, Minn., and had been transported from the State of Minnesota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On February 2, 1931, the First National Stores (Inc.), Somerville, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500 in lieu of bond, conditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18255. Adulteration of butter. U. S. v. 32 Boxes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under cash bonds. (F. & D. Nos. 26404, 26430. I. S. Nos. 28406, 28505. S. Nos. 4222, 4412.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On February 18 and March 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 81 boxes of butter, remaining in the original unbroken packages at Springfield, Mass., consigned in part about February 5, 1931, and in part about February 28, 1931, alleging that the article had been shipped by the Fairmont Creamery Co., Lawton, Okla., and had been transported from the State of Oklahoma into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On March 6 and April 8, 1931, the Fairmont Creamery Co., of Omaha, Nebr., with a branch at Lawton, Okla., having appeared as claimant for the property and having admitted the allegations of the libel, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$1,200, in lieu of bonds in like amount, conditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18256. Adulteration and misbranding of frozen whole eggs. U. S. v. 1,000 Cases of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26094. I. S. No. 27889. S. No. 4424.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, and the cans having been found to bear no statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,000 cases of frozen whole eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Ovson Egg Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about March 7, 1931, and had been transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was unlabeled.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 1, 1931, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled and reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$6,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18257. Adulteration of canned pumpkin. U. S. v. 24½ Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26195. I. S. No. 27979. S. No. 4530.)

Samples of canned pumpkin from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24½ cases, each containing 2 dozen cans of pumpkin, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Wm. Laning & Son Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., on or about December 2, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, * * * N. J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18258. Adulteration and misbranding of evaporated apples. U. S. v. 85 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25947. I. S. No. 14825. S. No. 4202.)

Examination of samples of evaporated apples from the shipment herein described having shown that the article contained a large amount of rot spots and showed evidence of worm infestation, also that it was short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On February 24, 1931, the United States attorney filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 85 boxes of evaporated apples at El Reno, Okla., consigned by the Ozark White Lime Co., Johnson, Ark., alleging that the article had been shipped from Johnson, Ark., on or about January 12, 1931, and had been transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Wt. 25 Lbs. When Packed Our Pride Evaporated Apples Packed by Rankin & Son Springdale, Ark."

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged in substance for the reason that the label of the article was false and misleading. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18259. Misbranding of apple butter, vanilla extract, lemon extract, and vinegar. U. S. v. Louis Maull Co. Food Products Co. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 25693. I. S. Nos. 05034, 05038, 05039, 09378, 09390, 09466, 015062, 015063, 015065, 019743.)

Examination of the products described herein showed that a portion of the apple butter had been made from dried apples, was artificially colored, and contained sodium benzoate and that the remainder was artificially colored; the vanilla extract contained vanillin and coumarin and was artificially colored with caramel; the lemon extract consisted of a dilute terpeneless imitation product deficient in lemon oil and citral, was artificially colored, and contained less alcohol than declared on the label; and the vinegar consisted principally or entirely of corn sugar vinegar and a portion thereof was deficient in acidity.

On January 30, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Louis Maull Co. Food Products Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the food and drugs act, between the dates of March 22, 1929 and August 9, 1929, from the State of Missouri in part into the State of Kansas, and in part into the State of Illinois, of quantities of apple butter, vanilla extract, lemon extract, and apple-cider vinegar which were misbranded.

The articles were labeled in part, variously: "Maull's Fancy Apple Butter;" "Somore Brand * * * Pure Apple Butter;" "Maull's Pure Vanilla Extract;" "Maull's Pure Lemon Extract 94 Per Cent Alcohol;" "Top Notch * * * Apple Cider Vinegar;" "Top Notch * * * Vinegar Apple Cider Reduced to 4% Acid Strength;" and were further labeled "Manufactured [or "Packed"] by L. Maull Co. Food Products Co., St. Louis, Mo."

It was alleged in the information that the articles were misbranded for the following reasons: The statement "Fancy Apple Butter" on the label of a portion of the apple butter was false and misleading, since it represented that the article was fancy apple butter, whereas it was not, but was a product made from dried apples and which contained undeclared artificial color and sodium benzoate; the statement "Pure Apple Butter" on the label of the remainder of the apple butter was false and misleading in that it represented that the article was pure apple butter, whereas it was not, but was an artificially colored product, which artificial color was undeclared; the statement "Pure Vanilla Extract" on the labels of the vanilla extract was false and misleading in that it represented that the article was pure vanilla extract, whereas it was not, but was a product containing vanillin, coumarin, and an artificial coloring substance, namely, caramel; the statements, "Pure Lemon Extract" and "94 Per Cent Alcohol," on the label of the lemon extract, were false and misleading in that they represented that the article was pure lemon extract and contained 94 per cent of alcohol; whereas it was not pure lemon extract, but was a dilute, terpeneless, imitation product deficient in citral and lemon oil and was artificially colored with an undeclared color, namely, tartrazine, it contained little if any lemon oil, it was not labeled to show that it was an imitation, and contained approximately 44.2 per cent of alcohol; the statements, "Apple Cider Vinegar" or "Vinegar, Apple Cider," on the labels of the vinegar, and the further statement "Reduced to 4% Acid Strength" on the label of a portion thereof, were false and misleading in that they represented that the article was vinegar made from apple cider and that the acid strength of the said portion was 4 per cent; whereas the greater part of the said vinegar consisted principally or entirely of corn-sugar vinegar, and a portion consisted of a mixture of corn-sugar vinegar and water with an acid strength of less than 4 per cent. Misbranding was alleged for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser. Misbranding was alleged with respect to the said vanilla and lemon extracts for the further reason that they were imitations of other articles, and were not so labeled, and in that they were offered for sale under the distinctive names of other articles.

On April 4, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18260. Adulteration and misbranding of flavoring sirup. U. S. v. 5½ Dozen Bottles of Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25787. I. S. No. 14034. S. No. 3685.)

Examination of samples of a flavoring sirup, known as Seven Fruits, from the shipment herein described having shown that the article was deficient in fruit juice and artificially flavored, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 6, 1931, the United States attorney filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 5½ dozen bottles of so-called Seven Fruits at Chicago, Ill., alleging that the article had been shipped by the Julius Marcus Co., from Brooklyn, N. Y., September 27, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "None Genuine Without Signature of Julius Marcus Seven Fruits * * * Not Artificially Colored Not Artificially Flavored [pictorial design of various fruits, namely, oranges, lemon, pineapple, strawberries, raspberries, cherries, and plums] Julius Marcus Co. New York Detroit Chicago * * * Certificate of Quality. This is to certify that the contents of this bottle contains only the purest and best ingredients obtainable. Beware of imitators."

It was alleged in the libel that the article was adulterated in that a substance, namely, an imitation product of seven fruits, deficient in juice of the fruits shown on the label, and containing undeclared artificial flavor, had been mixed

and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article, namely, a product made from pineapple, orange, lemon, raspberry, plums, cherries, and strawberries, which it purported to be. Misbranding was alleged for the further reason that the statements, "Seven Fruits * * * 7 Fruits * * * Not Artificially Flavored * * * Certificate of Quality This is to certify that the contents of this bottle contains only the purest and best ingredients obtainable. Beware of imitators * * * None Genuine without Signature of Julius Marcus," together with the pictorial design of various fruits, appearing on the label, were false and misleading in that the said statements and design represented that the article was a pure and genuine fruit product made exclusively from pineapple, orange, lemon, raspberries, strawberries, plums, and cherries, and was not artificially flavored; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a pure and genuine fruit product made exclusively from the said fruits and was not artificially flavored, whereas it was not, but was an imitation product, deficient in fruit juice and was artificially flavored.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18261. Adulteration and misbranding of canned turnip greens. U. S. v. 180 Cases, et al., of Turnip Greens. Product ordered released under bond to be reconditioned. (F. & D. No. 25879. I. S. Nos. 17428, 17430, 17431. S. No. 4139.)

Samples of canned turnip greens from the shipments herein described having been found to be decomposed, and the labels of portions thereof having been found to contain unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about February 11, 1931, the United States attorney filed in the District court for the district aforesaid a libel praying seizure and condemnation of 240 cases of canned turnip greens, remaining in the original unbroken packages at Jackson, Miss., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., in part on or about July 2, 1930, and in part on or about September 29, 1930, and had been transported from the State of Georgia into the State of Mississippi, and charging adulteration of all of the said product, and misbranding of portions thereof, in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Georgia Belle Brand Fancy Quality Turnip Greens * * * Packed by Pomona Products Co., Griffin, Ga." Portions of the article were further labeled: "Eat Greens to insure Good Health."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed or putrid vegetable substance.

Misbranding was alleged with respect to portions of the article for the reason that the statement appearing on the can label, "Eat Greens to Insure Good Health," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On April 22, 1931, the Pomona Products Co., Griffin, Ga., claimant, having admitted the allegations of the libel and having paid costs and executed a bond in the sum of \$500, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, a decree was entered ordering that the said product be released to the claimant to be relabeled and reconditioned subject to the supervision and inspection of this department. In carrying out the provisions of the decree the unfit portion of the product was destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18262. Adulteration of rabbits. U. S. v. 1 Barrel of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25878. I. S. No. 25375. S. No. 4131.)

Samples of rabbits from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 barrel of rabbits at Chicago, Ill., alleging that the article had been shipped by the Gifford Farm Club, from South Gifford, Mo., January 29, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18263. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26399. I. S. No. 15233. S. No. 3712.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about November 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Whitehall Creamery Association, from Whitehall, Wis., November 5, 1930, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On November 21, 1930, the Land O'Lakes Creameries (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18264. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26407. I. S. No. 14967. S. No. 3713.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers Mutual Cooperative Creamery, from Fennimore, Wis., November 18, 1930, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On December 15, 1930, the S. S. Borden Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18265. Adulteration and misbranding of canned pumpkin. U. S. v. 39 Cases of Canned Pumpkin. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26350. I. S. No. 30911. S. No. 4686.)

Examination of samples of canned pumpkin from the shipment herein described having shown that it contained decomposed material, also that it was falsely branded as to the State in which produced, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On May 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 39 cases of canned pumpkin, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by the Penn's Manor Canning Co., Bristol, Pa., on or about November 3, 1930, to Pennington, N. J., and that it had been reshipped therefrom by the Pennington Canning Co., to Trenton, N. J., where it remained in the original unbroken packages, and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: (Can) "Stony Brook Brand Pumpkin Pennington Packing Co., Pennington, N. J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Pennington Packing Co., Pennington, N. J.," was false and misleading and deceived and misled the purchaser, since the said statement represented that the article was produced in the State of New Jersey, whereas it was produced in the State of Pennsylvania.

On June 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18266. Adulteration and misbranding of cultured buttermilk. U. S. v. 8 Kegs of Cultured Buttermilk. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25998. I. S. Nos. 28083, 28084, 28085. S. No. 4260.)

Examination of samples of cultured buttermilk from the shipments herein described having shown that it was condensed soured skim milk, with protein, fat, lactic acid, and total solids below the percentages declared on the labeling, and containing added cornstarch, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight kegs of cultured buttermilk, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hoosier Condensed Milk Co., Bluffton, Ind., alleging that the article had been shipped from Bluffton, Ind., in part on or about January 22, 1931, and in part on or about January 27, 1931, and had been transported from the State of Indiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mfd. for Ronck & Bevis, Ro-Be Cultured Buttermilk, Philadelphia. Protein 12%, Fat 1%, Lactic Acid 6%, Total Solids 30%."

It was alleged in the libel that the article was adulterated in that a substance, to wit, condensed soured skim milk and starch, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "Cultured Buttermilk, Protein 12%, Fat 1%, Lactic Acid 6%, Total Solids

30%," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 1, 1931, the Hoosier Condensed Milk Co., Bluffton, Ind., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18267. Adulteration of tomato catsup. U. S. v. 62 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 25972. I. S. No. 8881. S. No. 3933.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 cases of tomato catsup, remaining in the original unbroken packages at McKeesport, Pa., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., on or about September 27, 1930, and had been transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Purity Brand High Grade Tomato Ketchup."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18268. Adulteration of oysters. U. S. v. 5 Gallons of Oysters. Default decree of destruction entered. (F. & D. No. 25966. I. S. No. 12276. S. No. 4240.)

Samples of oysters from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 gallons of oysters, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the N. P. Housman Oyster Co., from New York, N. Y., on or about February 16, 1931, and had been transported from the State of New York into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From N. P. Housman Oyster Co. * * * New York."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted in part for oysters, which the said article purported to be.

On April 25, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18269. Adulteration and misbranding of canned turnip greens. U. S. v. 140 Cases, et al., of Turnip Greens. Product released under bond. (F. & D. No. 25400. I. S. No. 3982. S. No. 3663.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed, and labeled with unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On December 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 238 cases, each containing 2 dozen cans of turnip greens, remaining in the original unbroken packages at Asheville, N. C., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about October 13, 1930, and had been transported from the State of Georgia into the State of North Carolina, and charging adulteration and mis-

branding in violation of the food and drugs act as amended. The article was labeled in part: "Sunshine Brand * * * Turnip Greens Packed by Pomona Products Co., Griffin, Ga. * * * Eat Greens to Insure Good Health."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Eat Greens to Insure Good Health," was false and misleading. Misbranding was alleged for the further reason that the statement, "Eat Greens to Insure Good Health," appearing on the label, regarding the curative or therapeutic effect of the article, was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On January 16, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property, a decree of the court was entered ordering that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$550, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18270. Adulteration and misbranding of hickory nuts. U. S. v. 290 Bags of Hickory Nuts. Allegations of libel admitted by claimant. Product released under bond to be reconditioned. (F. & D. No. 25827. I. S. No. 641. S. No. 3938.)

Samples of hickory nuts from the shipment herein described having been found to be wormy, moldy, shriveled, and rancid, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On January 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 290 bags of hickory nuts, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Denver, Colo., on or about January 13, 1931, and had been transported from the State of Colorado into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was unlabeled.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The Alex Woldert Co., Tyler, Tex., entered an appearance as claimant, representing that it was the owner of the property, which had been shipped by claimant to the Charles L. Kraft Mercantile Co., Denver, Colo., who in turn shipped it to Los Angeles. Claimant further admitted all allegations of the libel and prayed release of the product upon filing bond and payment of costs of the proceedings and of reconditioning the goods under the supervision of this department. On April 20, 1931, bond having been filed by claimant in the sum of \$1,000, the court ordered that the product be released for reconditioning. On May 25, 1931, the product having been sorted and the bad nuts destroyed, it was ordered that release be made permanent and the bond exonerated upon payment of all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18271. Adulteration of evaporated apples. U. S. v. 11 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25990. I. S. No. 23995. S. No. 4258.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture and to show worm infestation, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On March 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 boxes of evaporated apples at Enid, Okla., consigned by Claypool & Hazel, Springdale, Ark., alleging that the article had been transported in interstate commerce from Springdale, Ark., into the State of Oklahoma, on or about February 2, 1931, and charging adulteration in violation of

the food and drugs act. The article was labeled in part: "Morning Glory Brand Evaporated Apples Packed by Claypool and Hazel, Springdale, Arkansas."

It was alleged in the libel that the article was adulterated in that insufficiently evaporated apples had been mixed and packed with and substituted in part for the said article. Adulteration was alleged for the further reason that the article consisted in part of a filthy and putrid vegetable substance.

On April 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18272. U. S. v. 980 Cases of Pink Salmon. Portion of product released. Remainder ordered condemned and destroyed. (F. & D. No. 25175. I. S. Nos. 10891, 10892, 10893, 10894, 10895. S. No. 3441.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On October 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 980 cases of pink salmon, remaining in the original unbroken packages at Liberal, Kans., alleging that the article had been shipped by the West Sales Co. (Inc.), from Seattle, Wash., on or about August 28, 1930, and had been transported from the State of Washington into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part, "Live Wire Brand Alaska Pink Salmon * * * Distributed by West Sales Co., Seattle, U. S. A.," and consisted of several different lots identified by various code markings.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, namely, tainted and stale fish.

On January 29, 1931, the J. E. George Grocery Co., Liberal, Kans., having appeared as claimant for the property, a decree was entered ordering that unobjectionable portions of the product, identified by certain codes, be released to the claimant. On March 12, 1931, a decree was entered by the court ordering that portions of the product not theretofore released be condemned and destroyed by the United States marshal, and that the remainder, having been found to be unobjectionable, be released.

ARTHUR M. HYDE, *Secretary of Agriculture*

18273. Alleged adulteration of oysters. U. S. v. 90 Gallons, et al., of Oysters. Case dismissed by the court. (F. & D. No. 25565. I. S. Nos. 2094, 2095. S. No. 3861.)

Samples of oysters from the shipment herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On December 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 gallons of uncultured oysters and 24 gallons of select oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Oyster Bay Oyster Co., from Oyster Bay, Long Island, N. Y., on or about December 15, 1930, and had been transported from the State of New York into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Oyster Bay Oyster Co. Oyster Bay L. I."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted in part for oysters which the article purported to be.

The Oyster Bay Oyster Co., Oyster Bay, N. Y., claimant, filed a motion to dismiss the libel, which motion was argued by counsel, the claimant contending that the product had become spoiled and worthless and that the case presented a moot question only, and the Government contending that the case should be decided on the question of the alleged adulteration of the product as charged in the libel. On May 20, 1931, the court having sustained claimant's contentions, an order was entered dismissing the libel.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18274. Adulteration of evaporated apples. U. S. v. 15 Boxes of Evaporated Apples. Default decree of destruction entered. (F. & D. No. 25457. I. S. No. 10455. S. No. 3721.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On December 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of evaporated apples, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by Claypool & Hazel, Springdale, Ark., on or about October 16, 1930, and had been transported from the State of Arkansas into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "New York Stores Mercantile Co. Cairo, Illinois * * * Good Night Brand Evaporated Apples Claypool & Hazel Springdale, Arkansas."

It was alleged in the libel that the article was adulterated in that water had been substituted in part for the said article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength.

On June 2, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18275. Misbranding and alleged adulteration of frozen mixed eggs. U. S. v. 353 Cans of Frozen Mixed Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 25781. I. S. No. 26648. S. No. 4023.)

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, and labeled as complying with all pure food laws, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Michigan.

On January 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 353 cans of frozen mixed eggs, remaining in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce, on or about September 23, 1930, by the A. F. Thibodeau Co., Detroit, Mich., from Toledo, Ohio, into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed Frozen Eggs, Best Quality, * * * Mixed and Guaranteed to comply with all pure food laws."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed animal substance.

Misbranding was alleged for the reason that the following statements, borne on the labels of the cans containing the article, "Best Quality * * * mixed and guaranteed to comply with all pure food laws," were false and misleading and deceived and misled the purchaser, since the product was not of the best quality and did not comply with the Federal food and drugs act.

On February 13, 1931, the A. F. Thibodeau Co., Detroit, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned, and it was further ordered by the court that the said product be released to the claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18276. Adulteration of canned salmon. U. S. v. 14 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25871. I. S. No. 2245. S. No. 4102.)

Samples of canned salmon from the shipment herein described having been found to be tainted and stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 23, 1930, by the Kustatan Packing Co., from Seldovia, Alaska, in

interstate commerce into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 3, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18277. Adulteration and misbranding of flavoring sirups. U. S. v. 1 Dozen Bottles of Sirup, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25786, 25789, 25790, 25961. I. S. Nos. 14033, 14036, 14038, 16397. S. Nos. 3685, 4211.)

Examination of variously designated flavoring sirups, known as Blackberry and Apricot Syrup Supreme and Raspberry Royale Castle cordial, from the shipments herein described showed that they were imitation products, deficient in fruit juice, containing added acid and artificial flavor and, with the exception of the Blackberry Syrup Supreme, artificially colored.

On February 6 and March 2, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 62 bottles of the said flavoring sirups at Chicago, Ill., alleging that the articles had been shipped by the Julius Marcus Co., from Brooklyn, N. Y., in various consignments on or about December 21, 1929 (1928), March 10, and September 27, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

The articles were labeled in part, variously: "Blackberry Victoria Brand Pure Blackberry Syrup Supreme None Genuine Without Signature of Julius Marcus [design of blackberries];" "None Genuine Without Signature of Julius Marcus Apricot * * * Beware of Imitations Apricot Artificial Flavor, Colored with Burned Sugar Syrup Supreme;" or "None Genuine Without Signature of Julius Marcus * * * Royale Castle Cordial Artificially Colored and Flavored Original Julius Marcus Laboratories, Inc., Brooklyn, N. Y. * * * Raspberry."

It was alleged in the libels that the articles were adulterated in that imitation fruit sirups or so-called cordials deficient in fruit juice, containing added acid and artificial flavor and, with the exception of the so-called Blackberry Syrup Supreme, containing artificial color, had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality and strength and had been substituted in part for blackberry sirup, apricot sirup, or raspberry cordial, as the case might be. Adulteration was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were imitations of other articles, and in that they were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the statements, "Blackberry * * * Pure Blackberry Syrup Supreme," together with the design of blackberries, with respect to the so-called Blackberry Syrup Supreme, "Apricot * * * Syrup Supreme, * * * Beware of Imitations," with respect to the so-called Apricot Syrup Supreme, "Raspberry * * * Cordial," with respect to the so-called Raspberry Royale Castle cordial, and "None Genuine Without Signature of Julius Marcus," with respect to all the said products, borne on the labels, were false and misleading; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements represented that the articles were genuine fruit sirups or so-called cordials, whereas they were not.

On April 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18278. Adulteration of frozen mixed eggs. U. S. v. 63 Cans of Frozen Mixed Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25949. I. S. No. 16133. S. No. 4205.)

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On February 26, 1931, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 63 cans of frozen mixed eggs, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia by Morris Bressler (Morris Bressler & Co. (Inc.)), Washington, D. C., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On or about March 27, 1931, M. Bressler & Co., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18279. Adulteration of oysters. U. S. v. R. E. Roberts Co. Plea of guilty. Fine, \$5. (F. & D. No. 25685. I. S. No. 016953.)

Samples of oysters from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the R. E. Roberts Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act, on or about December 11, 1929, from the State of Maryland into the State of Florida, of a quantity of oysters which were adulterated. The article was labeled in part: "Maryland Beauty Packed By R. E. Roberts Co. Baltimore, Md. Oysters."

It was alleged in the information that the article was adulterated, in that water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

On March 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18280. Adulteration of frozen whole eggs. U. S. v. 293 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25975. I. S. No. 16134. S. No. 4236.)

Samples of frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On March 3, 1931, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 293 cans of frozen whole eggs, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Fairmont Creamery Co., from Rapid City, S. Dak., on or about July 26, 1930, and had been transported from the State of South Dakota into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy Fairmont's Frozen Fresh Eggs * * * Packed by The Fairmont Creamery Co., * * * Omaha, Nebr."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 17, 1931, the Fairmont Creamery Co., Omaha, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it would not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18281. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26428. I. S. No. 30093. S. No. 4585.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by the act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Union Cooperative Creamery Co., Oskaloosa, Iowa, on or about March 27, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was labeled butter, which was false and misleading and deceived and misled the purchaser, since it contained less than 80 per cent of milk fat.

On April 10, 1931, Frederic A. Rankins, Jr., having appeared as agent for the Farmers Union Cooperative Creamery, Oskaloosa, Iowa, claimant, and having admitted the allegations of the libel and consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18282. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26396. I. S. No. 29317. S. No. 4419.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery Association, Aurora, Iowa, on or about March 9, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as required by law.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article; and for the further reason that it was labeled butter, which was false and misleading and deceived and misled the purchaser, since it contained less than 80 per cent of milk fat.

On March 25, 1931, John Dupont & Co., having appeared as agent for the Farmers Creamery Association, Aurora, Iowa, claimant, and admitted the allegations of the libel and consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18283. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26376. I. S. No. 29304. S. No. 4418.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Co., Balaton, Minn., on or about March 3, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product which should contain not less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading and deceived or misled the purchaser, since it contained less than 80 per cent of milk fat. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 20, 1931, Paul R. Dillon having appeared as agent for the Fox River Butter Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18284. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26427. I. S. No. 30017. S. No. 4637.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Land O'Lakes Creameries, Minnesota Transfer, Minn., April 4, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was an imitation of or was offered for sale under the distinctive name of another article, and for the further reason that it was labeled butter, which was false and misleading and deceived and misled the purchaser, since the article contained less than 80 per cent of milk fat.

On April 24, 1931, the Land O'Lakes Creameries (Inc.), claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18285. Adulteration of butter. U. S. v. 38 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26370. I. S. No. 29325. S. No. 4492.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Riceville Creamery Co., of Riceville, Iowa, through the Farmers Creamery Co., from Cresco, Iowa, arriving at New York on or about March 17, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as provided by act of March 4, 1923.

On March 23, 1931, E. Guy Buck, having appeared as agent for William Kestner, Riceville, Iowa, claimant, and said claimant having admitted the allegations of the libel, consented to the entry of a decree, and agreed to recondition the product so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,100, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18286. Adulteration and misbranding of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26374. I. S. Nos. 29311, 29318. S. No. 4497.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Southern Dairies (Inc.), Knoxville, Tenn., to New York, N. Y., arriving on or about March 11, 1931, and had been transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salt Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On March 30, 1931, a claim for the property having been interposed by Alex Grossmann & Co. (Inc.), as agent for the Southern Dairies (Inc.), Washington, D. C., and said claimant having admitted the allegations of the libel, having consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,800, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18287. Adulteration of chestnuts. U. S. v. 10 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25539. I. S. No. 14538. S. No. 3810.)

Samples of chestnuts from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On or about January 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 kegs of chestnuts, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Franklin Produce Co., from New York, N. Y., on or about November 26, 1930, and had been transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18288. Misbranding of oleomargarine. U. S. v. 43 Cases of Oleomargarine. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26082. I. S. Nos. 21802, 21803, 21804. S. No. 4354.)

Samples of oleomargarine labeled 1 pound or 2 pounds, as the case might be, taken from the shipment herein described, having been found to be short of the said declared weights, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On March 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cases of oleomargarine, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by Armour & Co., from Kansas City, Mo., on or about March 14, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article consisted of three different lots labeled in part, variously: (Retail package) "2 Lbs. Net Weight Oleomargarine—Armour & Co., U. S. Inspected and Passed by Dept. of Agriculture;" "1 Lb. Net Weight BIC—Nut Brand Vegetable Oleomargarine Armour and Company;" or "Silver Nut Oleomargarine 1 Lb. Net Weight * * * Armour & Co."

It was alleged in the libel that the article was short weight and was misbranded in that the statements on the labels, "1 lb. Net Weight" and "2 Lbs. Net Weight," were false and misleading and deceived and misled the purchaser when applied to the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On or about April 15, 1931, Armour & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be made to comply with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18289. Adulteration and misbranding of canned grapefruit juice. U. S. v. 397 Cases of Canned Grapefruit Juice, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25964, 26041. I. S. Nos. 21958, 21997, 21998. S. Nos. 4221, 4336.)

Examination of samples of canned grapefruit juice from the shipments herein described having shown that the article contained added sugar, and that the cans contained less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on March 10, 1931, an amended libel, praying seizure and condemnation of 397 cases of canned grapefruit juice. On March 18, 1931, libel proceedings were instituted by the United States attorney against an additional 402 cases of the same product. The libels alleged that the article had been shipped by the Orlando Canning Co. (Inc.), of Orlando, Fla., in part from Jacksonville, Fla., on or about January 21, 1931, and in part from Orlando, Fla., on or about January 29,

1931, that said shipments had been made in interstate commerce from the State of Florida into the State of California, that it remained in the original unbroken packages at San Francisco, Calif., and that it was adulterated and misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Heart of Florida Brand Juice Fancy Florida Grapefruit." The cans were of two different sizes further labeled, on a portion, "Contents 11 Fluid Oz. or 312 Grams," and on the remainder, "Contents 20 Fluid Oz. or 567 Grams."

Adulteration was alleged in the amended libel filed with respect to a portion of the article, for the reason that sugar had been substituted in part for the article, and in the libel filed with respect to the remainder, for the reason that a substance, sweetened grapefruit juice, had been substituted partly for the article.

It was further alleged in the libels that the article was misbranded in that the statements, "Grapefruit Juice" or "Juice * * * Grapefruit," were false and misleading and deceived and misled the purchaser when applied to sweetened grapefruit juice. Misbranding was alleged with respect to the product contained in a portion of the large-sized cans for the reason that the statements, "Contents 20 Fluid Oz. or 567 Grams," were false and misleading and deceived and misled purchasers. Misbranding was alleged with respect to all lots of the product for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 1, 1931, William J. Boradori, San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it be not sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18290. Adulteration of dried figs. U. S. v. 7 Cases of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25880. I. S. No. 12906. S. No. 4145.)

Samples of figs from the shipment herein described having been found to be moldy, sour, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On February 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cases of dried figs, remaining in the original unbroken packages at Fresno, Calif., alleging that the article had been shipped from Seattle, Wash., on or about January 28, 1931, and had been transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Sunny View Brand California White Figs * * * Packed by Sunny View Packing Company, Fresno, Calif."

It was alleged in the libel that the article was adulterated in that it consisted partly of a filthy, decomposed, or putrid vegetable substance.

On March 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18291. Adulteration of canned pimientos. U. S. v. 16 Cases, et al., of Red Pimientos. Default decrees of destruction entered. (F. & D. Nos. 25653, 25654. I. S. Nos. 17401, 17402. S. No. 3947.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about January 12 and January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 75 cases of canned pimientos at Jackson, Miss., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 6, 1930, and had been transported from the State of Georgia into the State of Mississippi, and charging adultera-

tion in violation of the food and drugs act. The article was contained in jars labeled in part: "Sunshine Brand * * * First Quality Pimientos, Pomona Products Co. Griffin, Georgia."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 11, 1931, no claimant having appeared for the property, judgments were entered finding that the product should be condemned, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18292. Adulteration of dressed poultry. U. S. v. 13 Barrels of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26003. I. S. No. 20261. S. No. 4266.)

The product herein described having been found to consist in part of diseased dressed poultry, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 barrels of poultry, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the North Pole Cold Storage Ice Co., Pittsburgh, Pa., in behalf of J. I. Christian, on or about December 20, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18293. Adulteration and misbranding of Golden egg mix. U. S. v. 3 Cases of Golden Bantam Egg Mix, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26016. I. S. Nos. 21991, 21992. S. No. 4298.)

Samples of a product, billed as Golden Bantam egg mix, from the shipments herein described having been found to be artificially colored and to contain an added material consisting in part of reducing sugars, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of Golden Bantam egg mix, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Kushner & Co., from New York, N. Y., in part on or about January 13, 1931, and in part on or about January 24, 1931, and had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

The article was labeled in part, variously: (Cases) "Baco [in diamond] San Francisco Option New York from China Importers Comm. Co. 7 Water St. New York;" "Tip Top Brand Bashaw Arey Co. Shellers Nuts and Egg Products * * * Kushner & Co. * * * New York Golden Egg Mix;" "Baco [in diamond] San Francisco Option New York from China Importers Comm. Co. 7 Water St. New York Golden Egg Mix;" "Cob [in triangle] No. 51, San Francisco From China Golden Egg Mix Kushner & Co. * * * New York;" or "Poco Brand No. 44 San Francisco From China."

It was alleged in the libel that the article was adulterated in that a substance artificially colored and consisting in part of reducing sugars had been mixed and packed with and substituted in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 3, 1931, the Pacific Orient Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be not sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18294. Adulteration of canned prunes. U. S. v. 28 Cases of Canned Prunes. Consent decree of destruction entered. (F. & D. No. 25957. I. S. No. 23993. S. No. 4216.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Oklahoma.

On February 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 cases of canned prunes at Tulsa, Okla., alleging that the article had been shipped by Hunt Bros. Packing Co., Salem, Oreg., on or about December (11), 1930, and had been transported from the State of Oregon into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Premio Brand Italian Prunes Packed by Hunt Brothers Packing Co., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 30, 1931, the Hunt Brothers Packing Co., San Francisco, Calif., and the Hale-Halsell Grocery Co., Tulsa, Okla., having each entered an appearance and having consented to the confiscation and destruction of the product, judgment was entered by the court ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18295. Misbranding of caviar. U. S. v. 9 Dozen Jars, et al., of Caviar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25982. I. S. Nos. 27865, 27866, 27867. S. No. 4239.)

Samples of caviar from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 dozen jars of caviar, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Rafco (Inc.), New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about February 17, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was contained in jars of 3 different sizes, labeled in part, respectively: "Imperial Sturgeon Sandwich Net Wt. 4 Oz.;" "Imported Net Wt. Two Ozs.;" "Imported Net wt. One Oz." All jars were further labeled: "Caviar Russe Orloff Genuine Russian Caviar Cie Orloff New York-Astrakhan-London-Paris-Comple. Genuine Russian Whole Grain Caviar."

It was alleged in the libel that the article was misbranded in that the statements, "Net Wt. 4 Oz.," "Net Wt. Two Ozs.," and "Net Wt. One Oz.," were false and misleading and deceived and misled the purchaser when applied to the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not correct.

On March 21, 1931, the Cooper Supply Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18296. Adulteration of canned frozen eggs. U. S. v. 311 Cans of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26071. I. S. No. 26420. S. No. 4401.)

Samples of canned frozen eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On March 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 311 cans of frozen eggs, remaining unsold in the original packages at Cincinnati, Ohio, consigned by Standard Brands (Inc.), from Chicago, Ill., about January 28, 1931, alleging that the article had been shipped in interstate commerce from Chicago, Ill., into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Frozen Fleishmann's Spring Laid Eggs Distributed by Standard Brands, Inc., New York City."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 26, 1931, Standard Brands (Inc.), Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18297. Adulteration of canned pimientos. U. S. v. 14½ Cases of Canned Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25628. I. S. No. 10856. S. No. 3918.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Illinois.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14½ cases of canned pimientos at Decatur, Ill., alleging that the article had been shipped by the Stanton Brokerage Co., St. Louis, Mo., on or about September 10, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Golden Drip Brand * * * Pimientos Distributed by Empire Distributing Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of an under-processed and decomposed vegetable substance.

On April 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18298. Adulteration of canned prunes. U. S. v. 98 Cases of Canned Prunes. Default decree of destruction entered. (F. & D. No. 25985. I. S. No. 13756. S. No. 4256.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of canned prunes at Kansas City, Mo., alleging that the article had been shipped by the Ray-Maling Co., from Hillsboro, Ore., on or about December 1, 1930, and had been transported from the State of Oregon into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Raybrook Brand Fresh Prunes * * * Packed by Ray-Maling Company, Inc. Kitchens, Hillsboro, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted in part of decomposed vegetable matter.

On April 21, 1931, no claimant having appeared for the property, judgment was entered by the court finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18299. Adulteration of evaporated apples. U. S. v. 10 Boxes of Evaporated Apples. Default decree of destruction entered. (F. & D. No. 25989. I. S. No. 13757. S. No. 4259.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture and to show evidence of worm

infestation, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of evaporated apples at Kansas City, Mo., alleging that the article had been shipped by Claypool & Hazel from Springdale, Ark., on or about January 3 (31), 1931, and had been transported from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Morning Glory Brand Evaporated Apples, Packed by Claypool and Hazel Springdale, Ark."

It was alleged in the libel that the article was adulterated in that insufficiently evaporated apples had been mixed and packed with and substituted in part for the said article. Adulteration was alleged for the further reason that the article consisted in part of a filthy and putrid vegetable substance and was worm infested.

On April 30, 1931, no claimant having appeared for the property, judgment of the court was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18300. Alleged misbranding of corn bran. U. S. v. Shreveport Grain & Elevator Co. Demurrer and motion to quash filed by defendant. Demurrer sustained and case dismissed. (F. & D. No. 23742. I. S. Nos. 012352, 012353.)

The contents of certain sacks of corn bran from the shipment herein described having been weighed by a representative of this department and found to weigh less than the declared weight, namely, less than 100 pounds net, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On July 23, 1929, the United States attorney filed in the United States District Court for the district aforesaid an information against the Shreveport Grain & Elevator Co., a corporation, Shreveport, La., charging shipment by said company, on or about January 5, 1929, in violation of the food and drugs act as amended, from the State of Louisiana into the State of Texas, of a quantity of corn bran which was alleged to be misbranded. The article was labeled in part: (Tag) "100 Lbs. (Net) Corn Bran Manufactured by The Shreveport Grain & Elevator Company, Shreveport, Louisiana."

The defendant filed a demurrer to the information and a motion to quash, attacking the section of the food and drugs act relied upon by the Government. On December 7, 1929, the United States attorney filed an amendment to the information.

Misbranding of the article was alleged in the information as amended for the reason that the statement, "100 Lbs. (Net)," borne on the tag attached to the sacks containing the article, was false and misleading in that the said statement represented that each of the said sacks contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the article, whereas some of the said sacks contained less than 85 pounds of the article, and the average net weight of the contents of all the sacks was less than 96 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 25, 1929, the demurrer and motion to quash were argued by counsel for the Government and defendant and were submitted to the court on briefs. On February 21, 1930, the court handed down a decision, without opinion, sustaining the defendant's demurrer, and holding unconstitutional the section of the food and drugs act involved. The Government immediately filed a motion for a rehearing, which motion was granted on May 9, 1930. On May 28, 1930, the case was reargued and resubmitted to the court on the record and additional briefs. On September 16, 1930, the court handed down the following opinion sustaining defendant's demurrer and dismissing the information (Dawkins, D. J.):

"This is a criminal information, charging the defendant with misbranding certain corn bran, in violation of the pure food and drugs act of June 30, 1906 (34 Stat. 768 (21 U. S. C. A. Sections 1-5, 7-15)) in that each sack of said product was branded as containing 100 lbs net, whereas in truth they con-

tained a lesser quantity. By amendment it is charged that some of the sacks contained not more than 85 pounds net, and that the average was about 96 pounds.

"Defendant moved to quash the information on the ground that said act violates articles 1, 2, and 3 of the Federal Constitution because it attempts 'to grant legislative powers to the judiciary and to the executive departments of the Government;' and it violates the fifth amendment to the Constitution, in that it 'seeks to deprive of life, liberty, and property without due process of law,' as well as the fourteenth amendment, 'for the same reason;' and, further, that it violates the sixth amendment because 'it is too indefinite, sets up no ascertainable standard of guilt and defendant cannot be informed of the nature and cause of the accusation against it thereunder.'

"After declaring that sacks or packages containing articles of food shall have the net weight or measure plainly stamped thereon, the third paragraph of section 8 of the act, as amended (37 Stat. 732, 21 U. S. C. A. section 10, paragraph 3), provides as follows: 'Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. Reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this title.'

"It must be remembered that this is a criminal action for the alleged violation of this statute, one of the very few that have been brought thereunder, and, while the proceeding is against a corporation, it might easily have been one charging an individual, who in default of payment of fine could be subjected to imprisonment. Hence a much stricter construction is required than if it were merely an act affecting civil rights. I have no doubt that Congress has the power, for the protection of the public, to require that packages containing articles of food shall have stamped thereon the correct weight or number, and that the dealer, without having any fraudulent or criminal purpose, may, in an extensive business, be unable to comply exactly in each instance with this requirement. However, in such circumstances, it would be a question of intent for the court and jury, if there was a variation, but the dealer would have a fixed standard by which to be guided, whereas under the quoted provision of the act, its violation, in large measure, is left either to the discretion of the enforcing department in making rules or regulations, or to the judgment of the court and jury in each instance as to what is reasonable. This might vary according to the views of the particular tribunal, and the dealer could never know whether he was violating the law or not until he was brought into court.

"For these reasons, I believe the asserted ground of unconstitutionality under the sixth amendment, is well founded. See *U. S. v. L. Cohen Grocery Co.*, 255 U. S. 81, 41 S. Ct. 298, 65 L. Ed. 516, 14 A. L. R. 1045; *Connally v. General Const. Co.*, 269 U. S. 385, 46 S. Ct. 126, 70 L. Ed. 322; *Yu Cong Eng v. Trinidad*, 271 U. S. 500, 46 S. Ct. 619, 70 L. Ed. 1059; *U. S. v. Reese et al.*, 92 U. S. 214, 23 L. Ed. 563; *U. S. v. Brewer*, 139 U. S. 278, 11 S. Ct. 538, 35 L. Ed. 190; *Todd v. U. S.*, 158 U. S. 282, 15 S. Ct. 889, 39 L. Ed. 982.

"For the reasons assigned the demurrer or motion to dismiss will be sustained. Proper decree may be presented."

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 18226-18300

Apple butter :	N. J. No.
Maull, Louis, Co. Food Products Co.-----	18259
Apples, evaporated :	
Claypool & Hazel-----	18229
Ozark White Lime Co.-----	18271, 18274, 18299
Apricot Syrup Supreme. <i>See</i> Fruit beverage materials.	18258
Beans, canned stringless :	
Runions, Henley-----	18236
Blackberry jelly. <i>See</i> Jelly.	
Syrup Supreme. <i>See</i> Fruit beverage materials.	
Butter :	
Fairmont Creamery Co.-----	18255
Farmers Cooperative Creamery Co.-----	18283
Farmers Creamery Association-----	18282
Farmers Creamery Co.-----	18285
Farmers Mutual Cooperative Creamery-----	18264
Farmers Union Cooperative Creamery Co.-----	18281
Gude Bros. Kiefer Co.-----	18253
Heins & Co.-----	18253
Land O'Lakes Creameries-----	18284
Luana Creamery Co.-----	18252
Mutual Creamery Co.-----	18258
Pipestone Produce Co.-----	18254
Riceville Creamery Co.-----	18285
South Peacham Creamery Co. ¹ -----	18233
Southern Dairies (Inc.)-----	18286
United Dairymen's Association-----	18240
Whitehall Creamery Association-----	18263
Buttermilk :	
Hoosier Condensed Milk Co.--	18266
Caviar. <i>See</i> Fish.	
Chestnuts. <i>See</i> Nuts.	
Corn bran. <i>See</i> Feed.	
Egg mix. Golden :	
Kushner & Co.-----	18293
Eggs, canned frozen :	
Standard Brands (Inc.)-----	18296
frozen mixed :	
Bressler, Morris-----	18278
Bressler, Morris, & Co.-----	18278
Thibodeau, A. F., & Co.-----	18275
whole :	
Fairmont Creamery Co.-----	18280
Ovson Egg Co.-----	18256
Extract, lemon :	
Maull, Louis, Co. Food Products Co.-----	18259
vanilla :	
Maull, Louis, Co. Food Products Co.-----	18259
Feed—	
corn bran :	
Shreveport Grain & Elevator Co.----- ²	18300
Figs, dried :	
Greek string :	
Camp, William A., Co.-----	18250

Fish—	N. J. No.
caviar :	
Rafco (Inc.)-----	18295
salmon, canned :	
Gosse, F. A. Co.-----	18245
Kustatan Packing Co.-----	18276
Superior Packing Co.-----	18247
pink :	
West Sales Co.-----	18272
sardines, canned :	
Brawn Co.-----	18230
Flavoring sirup. <i>See</i> Fruit beverage materials.	
Fruit beverage materials—	
Apricot Syrup Supreme :	
Marcus, Julius, Co.-----	18277
Blackberry Syrup Supreme :	
Marcus, Julius, Co.-----	18277
Raspberry Royale Castle cordial :	
Marcus, Julius, Co.-----	18277
Seven Fruits Syrup :	
Marcus, Julius, Co.-----	18260
Tang-O :	
Marcus, Julius, Co.-----	18251
Grapefruit juice, canned :	
Orlando Canning Co.-----	18289
Hickory nuts. <i>See</i> Nuts.	
Jelly, blackberry :	
Merrifield, C. R.-----	18231
Merrifield, C. R., & Co.-----	18231
Pacific Manufacturing Co.-----	18231
loganberry :	
Merrifield, C. R.-----	18231
Merrifield, C. R., & Co.-----	18231
Pacific Manufacturing Co.-----	18231
raspberry :	
Merrifield, C. R.-----	18231
Merrifield, C. R., & Co.-----	18231
Pacific Manufacturing Co.-----	18231
strawberry :	
Merrifield, C. R.-----	18231
Merrifield, C. R., & Co.-----	18231
Pacific Manufacturing Co.-----	18231
Lemon extract. <i>See</i> Extract.	
Loganberry jelly. <i>See</i> Jelly.	
Maple Maid sirup :	
Early Coffee Co.-----	18248
Nuts—	
chestnuts :	
Franklin Produce Co.-----	18287
hickory :-----	18270
walnut meats :	
Hale Co.-----	18226
walnuts, soft-shell :	
Jett & Wood Mercantile Co.--	18249
Oleomargarine :	
Armour & Co.-----	18288
Orange juice, canned :	
Orlando Canning Co.-----	18239
Oysters. <i>See</i> Shellfish.	
Pimilentos, canned :	
Pomona Products Co.-----	18232, 18246, 18291
Stanton Brokerage Co.-----	18297
Von Bremen-Asche-De Bruyn (Inc.)-----	18227, 18244

¹ Contains instructions to the jury.

² Contains an opinion of the court.

Poultry, dressed:	N. J. No.	Shellfish—Continued.	N. J. No.
Christian, J. I.-----	18292	oysters—continued.	
North Pole Cold Storage Ice		Roberts, R. E.-----	18242
Co.-----	18292	Roberts, R. E., Co.-----	18279
Prunes, canned:		scallops:	
Hunt Bros. Packing Co.-----	18294	Tawes, I. H.-----	18243
Ray-Maling Co.-----	18234, 18298	Willis, G. C.-----	18243
Pumpkin, canned:		Willis, Gordon C., Co.-----	18243
Laning, Wm., & Son Co.-----	18257	Strawberry jelly. <i>See</i> Jelly.	
Penn's Manor Canning Co.-----	18265	Tang-O. <i>See</i> Fruit beverage mate-	
Rabbits:		rials.	
Gifford Farm Club.-----	18262	Tomato catsup:	
Green City Poultry Co.-----	18237	Frazier Packing Co.-----	18267
Raspberry jelly. <i>See</i> Jelly.		paste:	
Royale Castle cordial. <i>See</i> Fruit		Favaloro, F. G. (Inc.)-----	18235
beverage materials.		sauce, canned:	
Salmon. <i>See</i> Fish.		Greco Canning Co.-----	18241
Sardines. <i>See</i> Fish.		Tomatoes, canned:	
Scallops. <i>See</i> Shellfish.		Dean Canning Co.-----	18238
Seven Fruits Syrup. <i>See</i> Fruit bev-		Turnip greens, canned:	
erage materials.		Pomona Products Co.-----	18261, 18269
Shellfish—		Vanilla extract. <i>See</i> Extracts.	
oysters:		Vinegar:	
Gude, Wm. D., & Co.-----	18242	Maull, Louis, Co. Food Prod-	
Housman, N. P., Oyster Co.-----	18268	ucts Co.-----	18259
Oyster Bay Oyster Co.-----	18273	Walnut meats. <i>See</i> Nuts.	
		Walnuts, soft-shell. <i>See</i> Nuts.	

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18301-18350

[Approved by the Secretary of Agriculture, Washington, D. C., December 12, 1931]

18301. Adulteration and misbranding of Vident No. 4 powder for Riggs' disease and misbranding of Vident No. 6 Riggs' Disease mouth wash. U. S. v. 48 Cans of Vident No. 4 Powder for Riggs' Disease, et al. Decrees of condemnation. Products released under bond. (F. & D. Nos. 25622, 25623. I. S. Nos. 8474, 8475. S. No. 3839.)

The products herein described consisted of a powder and a mouth wash. Both were represented to possess curative and therapeutic properties which they did not possess; the powder was not antiseptic and germicidal, as labeled.

On or about January 9, 1931, the United States attorney, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the Western District of Texas libels praying seizure and condemnation of 48 cans of Vident No. 4 powder for Riggs' disease, and 19 bottles of Vident No. 6 Riggs' disease mouth wash at San Antonio, Tex., alleging that the articles had been shipped by Katz & Besthoff (Ltd.), from New Orleans, La., in part on or about September 15, 1930, and in part on or about October 31, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Vident No. 4 powder for Riggs' disease by this department showed that it consisted essentially of pumice, calcium carbonate, sodium bicarbonate, sodium chloride, and boric acid with small proportions of a phenolsulphonate, menthol, and thymol. Bacteriological examination showed that product was not antiseptic. Analysis of a sample of the Vident No. 6 Riggs' disease mouth wash by this department showed that it contained water, alcohol (20 per cent), glycerin, potassium iodine, boric acid, zinc chloride, and iodine, with small proportions of formaldehyde, thymol, and eucalyptol.

It was alleged in the libels that the articles were adulterated in that their strength fell below the professed standard or quality under which they were sold, namely, "Antiseptic * * * Germicidal." (This department is in possession of no facts to support a charge of adulteration against the mouth wash and recommended that the charge be brought against the powder only.)

Misbranding of the said powder was alleged for the reason that the statements "Antiseptic * * * Germicidal," appearing on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to both products for the reason that the following statements appearing on the cartons and on the can or bottle labels, regarding the therapeutic or curative effects of the articles, were false and fraudulent: (Vident powder, carton and can) "Riggs' Disease an adjunct to Vident Riggs' Disease Mouth Wash * * * and assists the recovery of gums;" (Vident mouth wash, carton and bottle) "Riggs' Disease Mouth Wash is invaluable for all forms of Stomatitis, Gingivitis, Salivation and Aphthae and is a great aid in the treatment of Pyorrhea Alveolaris * * * Vident Riggs' Disease Powder No. 4 must be used in conjunction with this mouth wash."

On April 29, 1931, Katz & Besthoff (Ltd.), New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$200, conditioned in part that they be returned to the claimant at New Orleans, La., and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18302. Misbranding of Uric-O. U. S. v. $\frac{3}{4}$ Dozen Large Bottles, et al., of Uric-O. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26146. I. S. Nos. 27962, 27963. S. No. 4387.)

Examination of a drug product, known as Uric-O, from the shipment herein described having shown that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of $\frac{3}{4}$ dozen large-sized and $\frac{3}{4}$ dozen small-sized bottles of Uric-O, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the E. C. MacKallor Drug Co., Binghamton, N. Y., alleging that the article had been shipped from Binghamton, N. Y., on or about November 24, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained sodium salicylate (4.66 grams per 100 cubic centimeters—2.86 grains per teaspoonful), potassium iodide (0.9 gram per 100 cubic centimeters—0.51 per teaspoonful), extracts of plant drugs, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "Uric-O An Internal Medicine Particularly for Use in the Treatment of Rheumatism;" (circular) "Uric-O Best for Rheumatism * * * Uric-O For Rheumatism. If suffering with Rheumatism or any trouble caused by an excess of Uric Acid or other waste matter in the blood, such as Kidney and Blood Disorders, Lame Back or some form of Headache and Nervous Troubles, Dizziness, etc., you need, by all means, to try Uric-O. It never fails in the most stubborn cases, because it removes the cause of the trouble, acts in a natural way to neutralize the acid and free the system of the poisons responsible for the most forms of the disease, that lead up to chronic troubles, if neglected."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18303. Misbranding of Ingodine tablets. U. S. v. $3\frac{1}{2}$ Dozen Bottles of Ingodine Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26182. I. S. No. 27957. S. No. 4357.)

Examination of a drug product, known as Ingodine tablets, from the shipments herein described having shown that the bottle label and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of $3\frac{1}{2}$ dozen bottles of Ingodine tablets, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Govett (Ltd.), Long Island City, N. Y., alleging that the article had been shipped from Long Island City, N. Y., in part on or about January 16, 1931, and in part on or about February 9, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained extracts of plant drugs and iodine (0.347 grain per tablet) in a combined form.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For the administration of Iodine in High Blood Pressure, Rheumatism, Neuritis, Hardening of the Arteries, Run Down Conditions, etc. The Prevention of * * * and the Preservation of Good Health. * * * The modern safe, and highly effective method of correcting Iodine deficiency,—the common cause of impaired health, strength and vitality;" (circular) "For the administration of Iodine in High Blood Pressure, Rheumatism, Neuritis, Hardening of the Arteries, Run Down Conditions, etc. * * * and the Preservation of Good Health. * * * The modern safe and highly effective method of correcting Iodine deficiency,—the common cause of impaired health, strength and vitality. * * * But Iodine is not only the sole drug of extensive use for the treatment of numerous illnesses, it is also a splendid stimulant and as such is frequently prescribed by doctors. * * * Iodine is unexcelled in its ability to overcome the weakness and weariness that results from these strains. Among its chief beneficial results, it (1) increases the glandular function, so vital to a healthy existence, (2) tones up the circulation, especially in the smaller blood vessels, (3) neutralizes and carries off poisonous particles, (4) induces a healthful sensation of well being, which is an indication of its beneficial action on the entire system. * * * Insufficient Iodine may bring about defective circulation and sluggish activity of important internal organs. * * * High Blood Pressure, Hardening of the Arteries * * * In this condition the arteries are rigid and contracted, thus forcing the heart to work harder in pumping the blood through the system. Owing to its physiological action, Iodine is highly beneficial in such cases and Ingodine Tablets often bring about the most surprising improvements in a few weeks. Rheumatic Condition * * * The action of Iodine in this case is to stimulate the production of the white blood cells, which, when present in sufficient number themselves destroy bacteria. Arthritis and Neuritis are being treated to-day extensively by Iodine, which will frequently relieve the pain when all else has failed. Mention has already been made of the effectiveness of Iodine as a tonic. It is especially valuable in cases of weakness or depression, resulting from prolonged physical and mental over-work. Iodine tends in such cases to restore normal efficiency and power, while its ability to strengthen the body's resistance helps to prevent the recurrence of minor ills and leaves the system less open to attack by more virulent bacteria. * * * After you are feeling well again, maintain your health by taking one tablet twice a week."

On April 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18304. Adulteration and misbranding of fluid extract ergot. U. S. v. 28 Bottles of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25752. I. S. Nos. 11058, 11059. S. No. 3990.)

Samples of fluid extract of ergot from the shipment herein described having been found to have a potency of approximately one-half of that required by the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-eight 4-ounce bottles of fluid extract ergot, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by John Wyeth & Bro. (Inc.), from Philadelphia, Pa., in part on or about October 8, 1930, and in part on or about November 19, 1930, and had been transported from the State of Pennsylvania into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ergot U. S. P. Tenth Revision."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed

from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P. Tenth Revision," was false and misleading.

On May 11, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18305. Misbranding of Tru-Ade. U. S. v. 2¼ Dozen Small Tubes, et al., of Tru-Ade. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25527. I. S. No. 16339. S. No. 3777.)

Examination of a drug product, known as Tru-Ade, from the shipment herein described having shown that the tube and carton labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2¼ dozen small tubes and ¾ dozen large tubes of Tru-Ade at Chicago, Ill., alleging that the article had been shipped by the Larweb Medical Co., from Fort Wayne, Ind., October 23, 1930, and had been transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, lard, camphor, and a small proportion of menthol.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent, in that they were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers that the article was in whole or in part composed of or contained ingredients or medicinal agents or combinations effective among other things as a remedy for the diseases, ailments, and afflictions mentioned therein: (Carton) "Try Tru-Ade Externally for * * * Itching Piles, Rheumatism, Lumbago, * * * Muscular Contractions Etc., Etc, * * * Asthma, Bronchitis, Catarrh, Coughs, Pneumonia * * * Try Tru-Ade Internally for Asthma, Bronchitis, Catarrh, * * * Sore Throat, Coughs, Croup, Pleurisy, Catarrhal Headache, Etc., Etc. * * * Tru-Ade inserted into the nostrils takes the most direct and quickest route to reach diseases of the head and lungs. That it should act more quickly on pneumonia, pleurisy, asthma and similar diseases;" (metal tube) "Asthma, Bronchitis, Catarrh, Rheumatism, Itching Piles * * * Coughs, Diphtheria, * * * Influenza, Pleurisy, Pneumonia, Sore, Throat, Tonsillitis, Tuberculosis, * * * Piles, Pneumonia, Rheumatism;" (circular) "Brain Fag. The man of affairs is just as likely to overstrain his mental powers, through overexertion, * * * A little Tru-Ade inserted into the nostrils * * * will prove its efficiency. (See treatment for Rheumatism.) * * * Rheumatism, Sciatica, Lumbago, Muscular Contractions, Stiffness of Joints, * * * apply Tru-Ade liberally * * * In treating rheumatism of long standing (known as chronic) apply very warm wet cloths several times within five minutes, then wipe dry, after which, immediately apply a liberal quantity of Tru-Ade. * * * It was in extremely severe cases, in which all hope was abandoned, that Tru-Ade showed its remarkable qualities and won its fame. You Owe It to yourself and family to use the Best remedy obtainable, especially in very severe or dangerous cases. Eczema. Different users of Tru-Ade who had considerable trouble with Eczema, stated that they had received great and quick relief by first applying Tru-Ade to the affected parts, then to sprinkle zinc oxide on the Tru-Ade, after which both would be rubbed in together. Pain In Chest when not caused by pneumonia, Hot Wet Cloths * * * should first be applied * * * after which Tru-Ade should be liberally applied and well rubbed into the affected parts. Repeat every hour or two until relief is obtained. * * * Asthma, Bronchitis * * * Coughs, Catarrh, Eczema, Ear Ache * * * Influenza, Lumbago, Neuralgia, Neuritis,

Pneumonia, Pleurisy, Piles, Quinsy, Rash, Sore Throat, Sinus * * * Tonsillitis * * * Our Creator Has seen fit to provide a most direct route Through The Nose To Reach Pneumonia, Pleurisy, asthma, bronchitis and other diseases located within the head, bronchial tubes and lungs. Through the thoughtlessness of His creatures, this very valuable gift is but little used. No wonder the penalty is so great because of its disregard. * * * We can not too firmly urge you to pay attention to the parts in which the warming sensation is noticed following the use of Tru-Ade. There is where the trouble is located. There is where Tru-Ade should frequently be used, in order to relieve the susceptibility there. * * * It is the condition of your nerves that is responsible for the warmth or pungency noticeable following the use of Tru-Ade upon very sensitive parts. As the continued use of Tru-Ade will reduce that condition, therefore less antagonism will be noticed. When your condition becomes normal no action is expected, and you will again be able to stand the atmospheric changes which other people having nerves in normal condition are able to stand without pain. Branches of the nerve system extend all over the body and as Tru-Ade has action upon the nerves, wherever located, is why Tru-Ade is so beneficial in so many ways. Sinus Trouble, Hay Fever, or one sneezes easily, should start with a quantity of Tru-Ade * * * Catarrh, Pleurisy, Influenza, or Catarrhal headaches, * * * quantity of Tru-Ade equal in size of a drop of water, on the end of a finger and insert same into each nostril, snuff it up into the head. * * * Through this method, Tru-Ade gets a better chance to produce results. * * * The sooner the accumulated mucous or phlegm is discharged, the sooner normal conditions can be restored. * * * The more serious the attack is the more persistently should Tru-Ade be used. * * * Asthma, Coughs, Bronchitis, Sore Throat, speakers' and singers' husky voice,—in addition to inserting a little of Tru-Ade into the nostrils as stated above, a similar quantity should be swallowed. Great relief is often obtained where one suffers from a Chronic Cough by applying Tru-Ade to the front part of the neck and rub it into the parts there. Itching Piles * * * Swollen Glands, Mumps, Neuralgia * * * itching skin, etc. Apply Tru-Ade liberally and rub gently. Those who once try Tru-Ade for Itching Piles * * * Will find Tru-Ade a grand remedy. * * * Mr. F. J. Kern, this city, said: 'For eleven years I had been unable to hear out of one of my ears, caused presumably by catarrh. About two months ago I began to use Tru-Ade * * * About midnight, my ear opened and for the first time in eleven years I was able to hear the snap of my finger.' Suffered Many Years with what was supposed to have been inward goitre and bad heart. Mr. Kniffin stated that his wife had been a patient in the St. Joseph Hospital for ten weeks, receiving treatments for inward goitre and bad heart and during the night of December 12, 1924, she had not been expected to live until morning. On December 13, 1924, he purchased a tube of Tru-Ade for his wife's use. Four days later her heart had been pronounced as being better than it had been at any time during her ten weeks' stay at the hospital. Within two days from then she returned to her home * * * The fact that the night before she had her first experience with Tru-Ade, she had not been expected to live until morning, goes to show that she had been in a very serious condition. On the other hand, that she was able to go to her home within six days, together with the statement made by Mr. Kniffin in his letter speaks highly for results following the use of Tru-Ade. * * * 'If the people who suffer could only know of the wonderful benefits received from it * * * greatly improved my catarrhal condition * * * Pneumonia * * * was stricken with pneumonia, pronounced by the attending physician as hopeless. * * * had a tube containing * * * Tru-Ade which she used. * * * doctor * * * was so astonished at her greatly improved condition * * * he pronounced Tru-Ade to be a "wonderful remedy." * * * suffered from black diphtheria from which he suffered for twenty years from chronic sore throat, in fact his case was so severe that different doctors told him that it was "next thing to diphtheria." * * * he tried our remedy for his throat trouble, getting such surprising results from its use * * * became afflicted with rheumatism * * * Mr. Eby * * * said, 'I will get something to cure you.' * * * then made use of our remedy and in a short time was relieved. * * * had an acute attack of pleurisy * * * He used Tru-Ade through the nose, and in less than half a minute he felt it right where the pain was, and it did not require the quantity of Tru-Ade to half fill an ordinary thimble to entirely relieve him. Asthma, Diphtheria, Lung Trouble, Suffered Fifty Years * * * The greater part

of those fifty years she suffered from sore throat that many doctors told her was next to diphtheria. Seldom could she swallow anything without suffering pain. * * * examined her throat, finding it and her tongue almost black, he told her * * * that she had diphtheria. * * * She suffered so severely with pains in one lung that she could not endure the weight of a child's head against her breast. Different doctors pronounced her case to be tuberculosis * * * For two years from the time she began using Tru-Ade, after each time she inserted Tru-Ade into her nostrils, she could plainly feel a burning sensation in her lung, right where the sore place was located, thus in a very convincing manner, proved that Tru-Ade Did reach the diseased place within her lung. It is now seven years since Mrs. Meek began using Tru-Ade and for the past several years, has had little or no trouble with her former lung trouble. * * * The fact that the burning sensation which she experienced after each time she had inserted Tru-Ade into her nostrils, having extended over a period of two years, proved that one of her lungs had been in serious condition, and which she fully realized, besides that, it also proved that diseases of the lungs can be reached through the nose, * * * 'I have used your Tru-Ade for asthma and was greatly relieved.' * * * your remedies * * * have proved effective in my case as in many others in which I have advised them.' Tonsillitis * * * his daughter had an attack of tonsillitis which Tru-Ade relieved in two days' time. * * * Pneumonia And Pleurisy. Tru-Ade should be applied as warm as practical, over chest and sides. Deafness. Continued colds in the head cause nearly all cases of middle ear deafness, as well as catarrhal headaches, defective vision, foul breath, etc, * * * Cleanse those parts by using Tru-Ade. * * * Much is said about 'the danger line' in disease, but with Tru-Ade being able to penetrate into the recesses of the lungs you can easily see why what would prove beyond the reach of some remedies can easily be reached by Tru-Ade. * * * suffered so severely with sore throat so as to be unable to eat anything for forty-eight hours. The next day a diphtheria card was to be placed on their house. At noon she began to use Tru-Ade, that evening she sat at the table and ate her supper—no card was put on their house. * * * Tru-Ade for catarrh also. * * * I have found 'Tru-Aid' of great benefit to me for a gassed nose and throat. * * * Itching Piles."

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18306. Misbranding of Rice's salve. U. S. v. 13¼ Dozen Boxes of Rice's Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25987. I. S. No. 4397. S. No. 4228.)

Examination of a drug product, known as Rice's salve, from the shipment herein described having shown that the labels of the carton and jar bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On March 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13¼ dozen boxes of Rice's salve, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Rice Chemical Co., from Greensboro, N. C., on or about January 7, 1928, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of petrolatum containing 16 per cent of volatile oils including camphor, menthol, eucalyptol, and turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Pneumonia Rub one-half jar or more on chest and throat and apply warm flannel saturated with salve. Apply hot iron to flannel rubbing gently. Apply also between shoulders under arm-pits and to seat of pain. Repeat every two hours until relieved. Coughs * * * Rub the salve over chest and throat. In severe cases cover chest with warm flannel

saturated with salve. Repeat every two hours until relieved. Coughs, Sore Throat, Bronchitis and LaGrippe. Apply the Salve over chest and throat. Swallow a small quantity. In severe cases follow directions for Pneumonia. Catarrh and Hay Fever. Snuff a small quantity of the salve up the nostrils morning and night, or oftener if required. In severe cases heat a spoonful of salve and spray with atomizer. Whooping Cough and Asthma. Apply salve over spinal column from neck to hips. Rub over throat and chest. Swallow a small quantity, repeat until relieved. Inflammations. For Skin Eruptions;" (carton) "When applied externally it acts both externally and internally * * * An efficient remedy for relief of Croup, Coughs * * * Catarrh, Asthma, Influenza, Pneumonia, Sore Throat, Whooping Cough * * * Eczema, Bronchitis."

On April 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18307. Misbranding of cold and grippe tablets, and rheumatic tablets. U. S. v. 1 Can of Cold and Grippe Tablets, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25988. I. S. Nos. 4394, 4395. S. No. 4230.)

Examination of the drug products herein described having shown that the labels bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On March 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one can containing 4,900 cold and grippe tablets, and one can containing 4,900 rheumatic tablets, remaining in the original unbroken packages at Richmond, Va., alleging that the articles had been shipped by the Commercial Laboratories (Inc.), from Newark, N. J., in part on or about October 29, 1930, and in part on or about November 1, 1930, and had been transported from the State of New Jersey into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the cold and grippe tablets contained in each tablet acetanilid (0.92 grain), cinchona alkaloids (chiefly quinine), a bromide, extract of a laxative plant drug such as cascara sagrada, camphor, capsicum, and ginger; and that the rheumatic tablets contained in each tablet acetylsalicylic acid (5 grains).

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects appearing in the labeling, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Can label, cold and grippe tablets) "Grippe Tablets * * * For forms of * * * Grip * * * Directions—For * * * Grip, etc.," (can label, rheumatic tablets) "Rheumatic Tablets * * * Directions * * * For acute and inflammatory rheumatism * * * until relieved * * * For Chronic Rheumatism, Gout, Lumbago, Sciatica, Neuralgia, etc * * * until relieved."

On April 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18308. Adulteration of sodium nitrite tablets and adulteration and misbranding of cinchophen tablets. U. S. v. C. E. Jamieson & Co. Plea of guilty. Fine, \$200. (F. & D. No. 25010. I. S. Nos. 019599, 019602.)

Examination of the drug tablets herein described having shown that the so-called sodium nitrite tablets contained no sodium nitrite but did contain sodium nitrate, and that the cinchophen tablets contained less cinchophen than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On August 7, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against C. E. Jamieson & Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the food and drugs act, on or about August 14, 1929, from

the State of Michigan into the State of Minnesota, of a quantity of alleged sodium nitrite tablets which were adulterated, and of a quantity of cinchophen tablets which were adulterated and misbranded.

The articles were labeled in part, respectively: "Tablet Triturate * * * Sodium Nitrite 1 Gr. * * * C. E. Jamieson & Co., Detroit, Mich." and "Cinchophen $7\frac{1}{2}$ grs. * * * C. E. Jamieson & Co., Detroit, Mich."

It was alleged in the information that the so-called sodium nitrite tablets were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain 1 grain of sodium nitrite, whereas each of said tablets contained no sodium nitrite, but did contain 0.99 grain of sodium nitrate. Adulteration of the cinchophen tablets was alleged for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain $7\frac{1}{2}$ grains of cinchophen, whereas each of said tablets contained less than so represented, namely, $5\frac{1}{2}$ grains of cinchophen.

Misbranding of the said cinchophen tablets was alleged for the reason that the statement, "Cinchophen $7\frac{1}{2}$ grs. * * * Cinchophen Tablets," borne on the label, was false and misleading, in that the said statement represented that each of the tablets contained $7\frac{1}{2}$ grains of cinchophen, whereas each of said tablets did not contain $7\frac{1}{2}$ grains of cinchophen but did contain a less amount.

On May 20, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18309. Misbranding of Dr. Samuel H. P. Lee's lithontriptic. U. S. v. 3 Dozen Packages of Dr. Samuel H. P. Lee's Lithontriptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26185. I. S. No. 28087. S. No. 4481.)

Examination of a drug product, known as Dr. Samuel H. P. Lee's lithontriptic, from the shipments herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 dozen packages of Dr. Samuel H. P. Lee's lithontriptic, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the S. H. P. Lee Co. (Inc.), New York, N. Y., alleging that the article had been shipped from New York, N. Y., in part on or about January 9, 1931, and in part on or about January 28, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was a plastic mass containing potassium nitrate (5.5 per cent), potassium carbonate (9.8 per cent), potassium chloride (.08 per cent), soap (53.7 per cent), volatile oil including juniper oil or turpentine oil (4.0 per cent), iron oxide (0.9 per cent), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Lithontriptic for Stone and Gravel in the Kidneys, Liver and Bladder;" (circular) "Lithontriptic for Stone and Gravel in the Kidneys, Liver and Bladder * * * and Kidney Diseases, with their train of Secondary Affections, such as Dropsy, Dyspepsia, Chronic Vomiting, Chronic Rheumatism—Diseases of the Heart, Liver, and general infirmity of constitution. Also for Diabetes, and diseases of the Prostate Gland, Gout, Calculi or Gall Stones, inflammation of the Bladder, Strangury and Bloody Urine, Bright's Disease in its incipient stages, Leucorrhoea (or Whites), and Uterine Difficulties. Directions * * * It is necessary to take the medicine uninterruptedly, it being a constitutional and alternative remedy, and should be continued as long as any symptoms of the complaint exist. * * * To be rid of the calculi or gall stones in the biliary ducts, known to exist by the violent paroxysms of sharp, cutting, pungent pains at the pit of the stomach,

extending through the region of the liver, and vomitings, accompanied with white or light-colored stools, the medicine should be continued without interruption two to eight months * * * To prevent a recurrence of the gall stones, in bad cases, the medicine should be continued, about two pills per day one or two years. But, when the disease is of long standing, or there is a large stone in the bladder or kidneys it will take from five to twelve months."

On April 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18310. Misbranding of Novopin. U. S. v. 9 Packages, et al., of Novopin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26142. I. S. No. 20479. S. No. 4415.)

Examination of a drug product, known as Novopin, from the shipment herein described having shown that the tin container and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 large-sized packages and 5 small-sized packages of Novopin, remaining in the original unbroken packages at Red Bank, N. J., alleging that the article had been shipped by Quest & Co., from New York, N. Y., on or about February 11, 1931, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a volatile oil such as pine-needle oil (8.8 per cent) and sodium bicarbonate, colored orange.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "Pour contents of this capsule into the bath water. The bath will act nerve soothing and strengthening, alleviate rheumatic and nervous pain, have a wonderful effect on the action of the lungs and heart, invigorate the skin and the respiratory organs. * * * Novopin Pine Needle Bath;" (circular) "For 'Nerves' fatigue, general health beauty, there is nothing superior than a 'Novopin' Pine Needle Health Bath. Its continuous use builds up general health and beauty. * * * Nerve Soothing."

On April 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18311. Misbranding of Nox-Ri-Tis for rheumatism. U. S. v. 3% Dozen Boxes of Nox-Ri-Tis for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26186. I. S. No. 27960. S. No. 4383.)

Examination of a drug product, known as Nox-Ri-Tis for rheumatism, from the shipment herein described having shown that the carton label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3% dozen boxes of Nox-Ri-Tis for rheumatism, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Chester G. Adcox Co., Troy, N. Y., alleging that the article had been shipped from Troy, N. Y., on or about September 15, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (2.77 grains per tablet), methenamine

(0.92 grain per tablet), calcium carbonate, a magnesium compound, small proportions of plant drugs and sugar, colored with a purple dye.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Rheumatism, for Muscular Rheumatism, or Rheumatic Neuritis, Lumbago, Sciatica and Rheumatism of the Joints."

On April 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18312. Adulteration and misbranding of Hydroleine. U. S. v. 54 Bottles of Hydroleine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25860. I. S. No. 20165. S. No. 4089.)

Examination of a drug product, known as Hydroleine, from the shipment herein described having shown that the article contained less cod-liver oil than declared on the label, and that the circular accompanying the article contained statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 bottles of Hydroleine at Syracuse, N. Y., alleging that the article had been shipped by the Century National Chemical Co., Paterson, N. J., on or about May 15, 1930, and had been transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cod-liver oil (120 minims per fluid ounce), salicylic acid, pancreatin, an emulsifying agent, alcohol, and water.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Cod Liver Oil 216 Minims per Ounce," whereas the strength of the article fell below such professed standard in that it contained, among other ingredients, approximately 120 minims of cod-liver oil per fluid ounce.

Misbranding was alleged for the reason that the statement upon the carton and bottle labels, "Cod Liver Oil 216 Minims per Ounce," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Cod Liver Oil has long been held in high esteem by the medical profession for the treatment of Scrofulosis, * * * Incipient Consumption, Bronchitis, Chronic Rheumatism and all chronic diseases in which there exists a broken down or depraved nutrition and an enfeebled organism. For all conditions in which the use of a palatable, easily digested form of Cod Liver Oil is indicated, Hydroleine may be administered with advantage as a substitute for the plain oil or the ordinary emulsions."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18313. Misbranding of Kelsey ichthyol suppositories. U. S. v. 21 Boxes of Kelsey Ichthyol Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26122. I. S. No. 28088. S. No. 4408.)

Examination of a drug product, known as Kelsey ichthyol suppositories, from the shipment herein described having shown that the carton label and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 21 boxes of Kelsey ichthyol suppositories, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Southport Chemical Co. (Inc.), New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about February 11, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cocoa butter in which was incorporated a drug containing ammonia and sulphur compounds.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Hemorrhoids and for Diseases of Women;" (circular) "Particularly efficacious in the following: Hemorrhoids, Fistula in Ano, Prostatitis, Leucorrhea, Vaginitis and Inflammations of the Vagina and Cervix."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18314. Misbranding of Pierre Cartier's medicine. U. S. v. 21 Cartons of Pierre Cartier's Medicine. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26126. I. S. No. 15791. S. No. 4362.)

Examination of a drug product, known as Pierre Cartier's medicine, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Rhode Island.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 cartons, each containing 1 dozen bottles of Pierre Cartier's medicine, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Bay State Drug Co., from Palmer, Mass., on or about January 23, 1931, and had been transported from the State of Massachusetts into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of an emulsion of cod-liver oil (23 per cent), alcohol (15 per cent), invert sugar (37 per cent), water, and gum.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "A Strength and Nerve Builder;" (carton) "A Strength and Nerve Builder * * * For Coughs * * * Croup, Asthma, Bronchitis, Whooping Cough and Throat and Lung Troubles * * * [back panel] recommended for the treatment of Coughs, * * * Bronchitis, Asthma and other Pulmonary Ailments * * * [side panel] Relieves Coughs * * * Builds Strength and Nerves;" (circular) "It is a respiratory food, revives wasted tissue and supplies nerve energy. It is used by the Medical Profession in prescribing for General Debility, Catarrhal and Bronchial affections. It repairs and builds up body tissue and makes strength, thus preventing disease and restoring strength lost through sickness. * * * may be used as a safe remedy against any * * * coughs or pulmonary diseases. It is especially beneficial as a nerve tonic and strength builder. It furnishes food and nourishment to the blood and thus makes strength."

On April 20, 1931, the Bay State Drug Co., Palmer, Mass., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18315. Misbranding of Farmville lithia water. U. S. v. Twenty-three 5-Gallon Bottles of Farmville Lithia Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25965. I. S. No. 24683. S. No. 4241.)

Examination of a mineral water, known as Farmville lithia water, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-three 5-gallon bottles of Farmville lithia water at Chicago, Ill., alleging that the article had been shipped by the Farmville Lithia Springs Water Co., from Farmville, Va., February 12, 1931, and had been transported from the State of Virginia into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "This is natural spring water Farmville Lithia Water from Virginia * * * Farmville Lithia Springs Water Co. * * * Chicago, Ill."

Chemical analysis of a sample of water from the shipment showed that it contained only a spectroscopic trace of lithium amounting to about five ten-thousandths (.0005) of a milligram per liter and that the total dissolved mineral matter which consisted chiefly of silica and bicarbonates of lime and magnesia amounted to only 84 milligrams per liter.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Nature's Great Remedy for All Kidney and Liver Diseases, Diabetes, Gout, Rheumatism and All Diseases of Uric Acid Diathesis."

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18316. Adulteration and misbranding of ether. U. S. v. Seventy-five 1-Pound Cans of Ether. Consent decree of condemnation. Product delivered to department for analytical purposes. (F. & D. No. 25600. I. S. Nos. 8927, 8928. S. No. 3903.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seventy-five 1-pound cans of ether at Pittsburgh, Pa., alleging that the article had been shipped by Merck & Co., from Newark, N. J., on or about November 17, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the can label, "Ether U.S.P.," was false and misleading.

On May 25, 1931, Merck & Co., Rahway, N. J., having withdrawn claim and answer and having consented to the entry of a decree of condemnation, judgment was entered by the court ordering that the product be destroyed by the United States marshal. On July 15, 1931, an amended order was entered directing the marshal to turn the product over to this department for analytical purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18317. Adulteration and misbranding of Huff's Old Reliable brand sore throat remedy. U. S. v. 7 Bottles of Huff's Old Reliable Brand Sore Throat Remedy. Default decree of condemnation and destruction. (F. & D. No. 25637. I. S. No. 8899. S. No. 3909.)

Examination of the drug product herein described having shown that it contained less chloroform than declared on the label, also that the bottle and

carton labels and accompanying circular bore representations that the article possessed curative and therapeutic properties, which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On January 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 bottles of Huff's Old Reliable brand sore throat remedy, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by Huff Bros. & Co., Pittsburgh, Pa., on or about January 8, 1930, and had been transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform (7.5 minims per fluid ounce), iron chloride, a small proportion of extracts of plant drugs, glycerin, alcohol, and water.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Chloroform 15 Minims to one ounce," whereas the strength of the article fell below such professed standard, in that it contained less than 15 minims of chloroform per fluid ounce.

Misbranding was alleged for the reason that the statement on the carton and circular, "Chloroform 15 Minims to one ounce," and the statement on the bottle label, "Chloroform 15 minims to 1 oz.," were false and misleading when applied to an article containing a less amount of chloroform. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of chloroform contained therein, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Sore Throat Remedy * * * A Remedy for Croup, Quinsy, Tonsilitis, Diphtheria and all kinds of Sore Throat from whatever cause, * * * its work quickly;" (carton) "Sore Throat Remedy * * * This Remedy was Designed to Remove the Cause That Creates Throat Trouble. * * * A remedy for Croup, Quinsy, Tonsilitis, Diphtheria and all kinds of Sore Throat from Whatever Cause * * * Quickly Relieves Cough;" (circular) "Sore Throat Remedy * * * A Remedy For Croup, Quinsy, Tonsilitis, Diphtheria and all Kinds of Sore Throat from Whatever Cause * * * Its Work Quickly * * * without doubt the Best Medicine for Croup, Quinsy, Tonsilitis, Diphtheria and general sore throat, possible to produce. * * * relief of suffering and pain, caused by Sore Throat from whatever cause, * * * Sore Throat Remedy does Absolutely what it is intended to do. * * * [Testimonials] We have used your throat remedy since 1895. It cured three of my sons of Diphtheria. * * * Your sore throat remedy is so wonderful I feel you are entitled to a word of commendation. My daughter had been ill for thirteen days with Tonsilitis, followed by Quinsy and the Doctor's treatment seemed to be doing her no good, when I procured a bottle of your remedy and after two hours you would not have known she was the same child. I could only marvel at the rapidity of her recovery and can assure you I shall never be without a bottle of this splendid sore throat remedy in our home. This party received the remedy from Pittsburgh, Pa., after 6 P. M. on a Thursday and her daughter was back in school the following Monday; so do you wonder that they feel grateful."

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18318. Adulteration and misbranding of ether. U. S. v. Sixteen ¼-Pound Cans of Ether for Anesthesia. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25670. I. S. No. 15886. S. No. 3955.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York. On January 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of sixteen ¼-pound cans of ether at Syracuse, N. Y., alleging that the

article had been shipped by Merck & Co. (Inc.), Newark, N. J., on or about September 20, 1930, and had been transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopœia, since an analysis of the article showed the presence of perox.de.

Misbranding was alleged for the reason that the statement on the label of the cans containing the article, "Ether for Anesthesia U. S. P.," was false and misleading when applied to ether containing peroxide.

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18319. Misbranding of Lincoln tea. U. S. v. 120 Packages of Lincoln Tea. Default decree of destruction entered. (F. & D. No. 25516. I. S. No. 11365. S. No. 3779.)

Examination of a drug product, known as Lincoln tea, from the shipment herein described having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On December 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 120 packages of Lincoln tea, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Fort Wayne Drug Co., from Fort Wayne, Ind., on or about November 6, 1930, and had been transported from the State of Indiana into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cut and powdered drugs including senna, couch grass, star anise, camomile flowers, and coriander seed.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Lincoln Tea for the Liver and Kidneys. Composed entirely of roots and herbs, a simple vegetable combination which assists nature in cleaning up the harmful effects of over-eating and unwholesome food. * * * an aid in purifying the Blood, and is excellent in cases of Dyspepsia. * * * and similar ailments due to a sluggish or inactive condition of the bowels;" (circular) "Lincoln Tea Is an Excellent Remedy for Headache, Scrofula, Constipation, Kidney Trouble, Indigestion, Billiousness, Heartburn and other troubles arising from disordered, weak digestion or inactive Kidneys or Liver. * * * a medicine which will help build up the weakened system to its normal condition. * * * Lincoln Tea is a combination of simple herbs and roots which help nature to throw off the harmful excess which comes from overeating and from unwholesome food. This excess may result in poisoned blood, which brings on Kidney, Stomach and Bowel disorders. Rheumatism is also attributed to imperfect elimination and inactive liver and kidneys, and many other ailments can be traced to the same cause. If you are a victim of poor elimination, that is to say, if your bowels are not performing their function properly, give Lincoln Tea a trial. Use it according to directions faithfully for a month or two. The regular discharge of waste matter from the system will greatly improve the bodily condition and greater endurance, more vitality, a clear mind and elastic step will be the outcome. Lincoln Tea for Stomach, Bowels and Liver * * * Impure Blood Is Usually the Result of Constipation. A Sluggish condition of the bowels caused by Torpid Liver, and a failure to properly discharge the waste products of digestion. If this condition is not promptly corrected the poisons produced will be absorbed into the system, resulting in Liver, Kidney, Stomach and Bowel troubles. Lincoln Tea, when taken with regularity, will open up the clogged sewer of the system and remove the primary cause of Impure Blood."

On February 18, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18320. Misbranding of Neutrone "99" for rheumatism. U. S. v. 9 Large Bottles, et al., of Neutrone "99" for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26107. I. S. Nos. 27964, 27965. S. No. 4395.)

Examination of a drug product, known as Neutrone "99" for rheumatism, showed that the bottle label, the wrapper, and accompanying circular contained representations that the article possessed curative and therapeutic properties which it did not possess. The label and wrapper bore a misleading statement relative to the quantity of alcohol contained in the article; the bottle label also contained a representation that the article would not impair the stomach, whereas it might be injurious to the stomach.

On March 27, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 large-sized bottles and 28 small-sized bottles of the said Neutrone "99" for rheumatism, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Kells Co., Newburgh, N. Y., alleging that the article had been shipped from Newburgh, N. Y., in part on or about October 8, 1930, and in part on or about December 16, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate, potassium iodide, and iron compound, extracts of plant drugs including colchicum and podophyllum, a small proportion of chlorides, saccharin, alcohol (4.3 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement on the wrapper and bottle label, "Not in Excess of 9% Alcohol by Volume," was false and misleading in that it led the purchaser to believe that the article contained approximately 9 per cent of alcohol, whereas it contained less than 4 per cent of alcohol; for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was not correct; and for the further reason that the statement on the bottle label, "Does not * * * impair the stomach," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Rheumatism * * * formula of a Specialist as used successfully in his treatment of Rheumatism, Gout, and all conditions of that nature. * * * is successfully known for the radical removal of Rheumatic conditions * * * scientific combination of Rheumatic reducing elements and is dependable to produce results from the fact that it aims at Rheumatism as a disease of the blood * * * is a remedy internally treating Rheumatism as a constitutional disease by its general action through the blood. It acts particularly on Acute, Inflammatory and Chronic Rheumatism, whether in the muscles or in the joints;" (circular) "Rheumatism Is a Deeply Rooted Disease. It takes a long time to develop and you cannot get rid of it in a day, * * * After taking * * * for a short time and experiencing its benefits, do not jump to the conclusion that your rheumatism is cured because the pain has stopped. * * * If you stop treatment too soon you may suffer a return of your rheumatism because it has not been Thoroughly driven from your system. To Be on the Safe Side, continue taking * * * for a little while after the last symptom of rheumatism disappears, simply as a safeguard against the return of your old enemy. Furthermore, If Yours Is a Severe, Chronic Case, of Rheumatism * * * Bear in mind what a stubborn ailment rheumatism is and how its poisons permeate the system and you will realize that in a long-standing case of chronic rheumatism it takes time to accomplish material benefits. Your case may be so severe as to require three or six or even more bottles;" (wrapper) "For Rheumatism."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18321. Misbranding of Gum-Rub. U. S. v. 66 Packages of Gum-Rub. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26121. I. S. No. 27887. S. No. 4392.)

Examination of a drug product, known as Gum-Rub, from the shipments herein described having shown that the bottle and carton labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 packages of Gum-Rub, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Gum-Rub (Inc.), Detroit, Mich., alleging that the article had been shipped from Detroit, Mich., in part on or about November 25, 1930, and in part on or about January 28, 1931, and had been transported from the State of Michigan into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sulphur (22 per cent), glycerin, gum, and water, flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A Treatment for Pyorrhea and Lesser Gum Disorders * * * A Home treatment for and in prevention of pyorrhea, and its forerunners—receding, bleeding, tender and flabby gums, gum ailments concurrent with pregnancy * * * gingivitis; for starved or undernourished gums. To revitalize the circulation, as a toner. * * * A Home treatment for and in prevention of pyorrhea, and its forerunners—bleeding, receding, spongy gums and other gum disorders * * * Gum-Rub maintains health and vigor in the gums;" (bottle) "For Pyorrhea, Receding, Bleeding, Spongy and starved or undernourished gums * * * Gum ailments during pregnancy * * * Also, in prevention;" (circular) "Gum-Rub maintains health, vigor, * * * in the gums. Furthermore, Gum-Rub is a scientific treatment of mechanico-therapy value in pyorrhea and its forerunners; bleeding and receding gums, and other gum ailments, both for professional use and as a home treatment. * * * Treatments. Pyorrhea * * * In treating pyorrhea it is important to maintain proper nourishment in the gums in order to build up the impaired tissues, * * * For these prime requisites Gum-Rub, in one operation, quickly and effectively resuscitates the circulation, thereby aiding nature in rebuilding the impaired tissues * * * Receding Gums are generally due to the superficial gum surfaces having been denied nourishment. Thus the gums have shrunk or atrophied. If this condition is allowed to progress, finally the underlying structure also becomes deprived of proper nourishment, and becomes a positive forerunner of, and leads to pyorrhea. Treatment: In receding gums it is necessary to revivify the circulation so that fresh blood reaches the undernourished parts and rebuilds the tissue which has shrunk. Gum-Rub treatment promptly revitalizes the circulation. * * * In cases of marked recedence of gums, * * * the quantity of Gum-Rub should not be cut down if it is hoped to overcome this gum disease and avoid pyorrhea. * * * Bleeding Gums * * * Too long delay and continued neglect of a bleeding condition may lead to pyorrhea. Treatment: To overcome bleeding gums, it is necessary to cause the tiny blood vessels to empty themselves and revivify the impaired circulation, * * * The time required to overcome bleeding gum conditions will vary and depends upon how badly the circulation is impaired. However, you will feel an improvement after the very first Gum-Rub treatment * * * The treatment should be continued until the gums have returned to a normally healthy condition. Thereafter Gum-Rub, once a day will aid in preventing the recurrence of this condition. * * * Flabby Gum Conditions—Due to undernourishment. Revitalization of the circulation and cleanliness are necessary. Spongy and flabby gums respond rapidly to Gum-Rub treatment as in one operation Gum-Rub revitalizes the circulation * * * Furthermore, by keeping the mouth clean one can often avoid various diseases of the gums. Dental hygienists are today using Gum-Rub as a part of their oral prophylaxis routine. * * * In Pregnancy—During the earlier months, disorders occur in the secretion of saliva and in the blood supply of the gums. As time goes on, an increase in gum infection and tooth

decay may follow, ending in rapid and hopeless tooth destruction and chronic pyorrhea. Early treatment with Gum-Rub will prevent this unfortunate sequel. * * * Bear in mind that gum diseases are not a temporary or overnight condition, but the result of having neglected minor afflictions over a long period of time. Usually gum diseases reach a semi-serious or serious stage before the patient commences treatment. Thus, treatment with Gum-Rub should not be discontinued because gums show a superficial improvement, due to the quick action of Gum Rub, but the treatment with Gum Rub should be continued until your dentist pronounces your gums as having returned to a normal and healthy condition. Thereafter, treatment once a day should be continued as a prevention against recurrence of the disease."

On April 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18322. Misbranding of fluid extract of ginger. U. S. v. 1 Barrel of Liquid Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25905. I. S. No. 13109. S. No. 4175.)

Examination of a product, labeled "Liquid Medicine," from the shipment herein described having shown that it was an extract of ginger containing a large proportion of alcohol, and that the label failed to declare the quantity or proportion of alcohol contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 barrel of the so-called liquid medicine, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Jordan Bros., New York, N. Y., on or about January 30, 1931, and had been transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that it contained alcohol and the quantity or proportion of alcohol contained in the said article was not stated on the label.

On March 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18323. Adulteration and misbranding of fluid extract of ginger. U. S. v. 5 Barrels of Liquid Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25904. I. S. No. 13108. S. No. 4174.)

Examination of the so-called liquid medicine from the shipment herein described having shown that it had been invoiced as fluid extract of ginger, U. S. P., whereas it was not a pharmacopoeial product, also that the label failed to bear a statement of the quantity or proportion of alcohol contained in the article, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of California.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 barrels of the said liquid medicine, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Jordan Bros., New York, N. Y., on or about January 29, 1931, and had been transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act. On April 13, 1931, the libel was amended to include adulteration charges and a further misbranding charge.

It was alleged in the libel as amended that the article was adulterated in that it failed to meet the pharmacopoeial requirements for ginger extract (fluid extract), and for the further reason that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the article contained alcohol, and the quantity or proportion of alcohol contained therein was not stated on the label. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the name of another article.

On May 13, 1931, no claim having been interposed for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18324. Misbranding of Quinseptikons. U. S. v. 2½ Dozen Boxes, et al., of Quinseptikons. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26328, 26329. I. S. Nos. 29893, 29899. S. Nos. 4621, 4648.)

Examination of a drug product, known as Quinseptikons, from the shipments herein described having shown that the circular accompanying the article contained statements representing that the said article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 20½ dozen boxes of the said Quinseptikons, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Tablax Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., in various consignments, on or about March 20, March 27, and April 17, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of suppositories containing 0.9 per cent salicylic acid, boric acid (13.5 per cent, quinine hydrochloride (5.3 per cent), and theobroma oil.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Prophylactic * * * Quinseptikons are highly recommended by physicians as a preventive against infection, and for the treatment of vaginal diseases and conditions such as Leucorrhea, Vaginitis, * * * Inflammation, pain and tenderness. Also a prophylactic against venereal disease, and whenever their need may otherwise be indicated. * * * Directions * * * In Leucorrhea, Vaginitis and all conditions accompanied by discharges of any nature, insert one * * * at bedtime and one on arising. As a prophylactic against venereal infection, insert a * * * few minutes before sexual congress."

On May 25, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR H. HYDE, *Secretary of Agriculture.*

18325. Misbranding of Dr. Pirtle's Germ-Oil. U. S. v. 84 Bottles of Dr. Pirtle's Germ Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25756. I. S. No. 8161. S. No. 3949.)

Examination of samples of a drug product, known as Dr. Pirtle's Germ Oil, from the shipment herein described having shown that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 84 bottles of Dr. Pirtle's Germ-Oil at Memphis, Tenn., alleging that the article had been shipped by the Germ-Oil Co., from Jonestown, Miss., on or about November 15, 1929, and had been transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a nonvolatile oil, turpentine oil, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects

claimed: (Bottle) "Germ-Oil the Great Remedy for the Kidneys, Bladder and Stomach Troubles * * * remedies for old sores * * * For all pains about the body, Backache, Side-pleurisy * * * Toothache, Headache or any Neuralgia or Rheumatic Pains;" (large circular in carton containing 1 dozen bottles) "Directions For Rheumatism and Neuralgia * * * For Backache, Kidneys, Bladder * * * Blood Purifier * * * Sore on Man or Beast * * * For Worms * * * For Coughs * * * For Stomach Troubles * * * For Toothache, Headache, Earache or any Pain about the Head or Neck * * * For Private Disease or Lost Manhood;" (small circular in carton containing 1 dozen bottles) "Rheumatism."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18326. Misbranding of Athlophoros. U. S. v. 2 Dozen Bottles of Athlophoros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25542. I. S. No. 11665. S. No. 3792.)

Examination of a drug product, known as Athlophoros, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipment herein described, involving a quantity of the product located at San Francisco, Calif.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen bottles of Athlophoros, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Athlophoros Co., from Pomfret Center, Conn., alleging that the article had been shipped from Pomfret Center, Conn., on or about March 18, 1930, and had been transported from the State of Connecticut into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (14.5 grams per 100 milliliters), colchicine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded under section 7, paragraph 3, of the act as amended August 23, 1912, in that the following were statements regarding the curative or therapeutic effects of the said article: (Carton) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache;" (circular) "This remedy goes to the root of the Disease. It operates on the blood, muscles and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In cases of Acute Rheumatism * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During pregnancy reduce dose as follows: * * * Chronic and Complicated cases—From the time Athlophoros was first offered to the public, we have solicited from those who have used it, frank statements of their experience with the remedy, and we have received many thousand letters bearing grateful testimony to its wonderful curative powers;" (bottle) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache."

The charge recommended by this department was that the article was misbranded under section 8 of the act as amended, paragraph 3, in that the state-

ments from the carton and bottle labels and accompanying circular, above quoted, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The libel alleged that the article was further misbranded in that the statement on the label, "Athlophoros," was false and misleading.

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18327. Misbranding of Athlophoros. U. S. v. 2 Dozen Bottles of Athlophoros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25561. I. S. No. 11667. S. No. 3819.)

Examination of a drug product, known as Athlophoros, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipment herein described, involving a quantity of the product located at San Francisco, Calif.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen bottles of Athlophoros, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Williams Manufacturing Co., Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, on or about March 17, 1930, and had been transported from the State of Ohio into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (14.5 grams per 100 milliliters), colchicine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded under section 7, paragraph 3 of the act as amended August 23, 1912, in that the following were statements regarding the curative or therapeutic effects of the said article: (Carton) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache;" (circular) "This remedy goes to the root of the Disease. It operates on the blood, muscles and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In cases of Acute Rheumatism * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During Pregnancy reduce dose as follows: * * * Chronic and Complicated cases—From the time Athlophoros was first offered to the public, we have solicited from those who have used it, frank statements of their experience with the remedy, and we have received many thousand letters bearing grateful testimony to its wonderful curative powers;" (bottle) "Remedy for Rheumatism, and when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache."

The charge recommended by this department was that the article was misbranded under section 8 of the act as amended, paragraph 3, in that the statements from the carton and bottle labels and accompanying circular, above quoted, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The libel alleged that the article was further misbranded in that the statement on the label, "Athlophoros," was false and misleading.

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18328. Misbranding of Gen-Lax. U. S. v. 34 Bottles of Gen-Lax. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25813. I. S. No. 8162. S. No. 4029.)

Examination of a drug product, known as Gen-Lax, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 bottles of the said Gen-Lax at Memphis, Tenn., alleging that the article had been shipped by the Mobile Drug Co., from Mobile, Ala., on or about September 3, 1930, and had been transported from the State of Alabama into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ferric sulphate, magnesium sulphate, hydrochloric and nitric acids, potassium acetate, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "A remedy of much value for stomach trouble such as * * * Dyspepsia * * * Nervousness, Jaundice * * * Chills, Fever, Ague, Liver and Kidney Troubles caused from Indigestion;" (carton) "For Indigestion * * * A Blood Tonic * * * A remedy of much value for stomach troubles such as * * * Chills, Fever, Ague, Tired and Run-Down Feeling * * * Jaundice, Nervousness, Stomach, Liver and Kidney Troubles caused from Indigestion * * * Liver and Kidneys a Modern Treatment for * * * Indigestion which is the cause of many disorders."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18329. Misbranding of Pyro Sana tooth paste. U. S. v. 13 Tubes of Pyro Sana Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25808. I. S. No. 8142. S. No. 4028.)

Examination of the product herein described having shown that the tube and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubes of Pyro Sana tooth paste at Memphis, Tenn., alleging that the article had been shipped by the Alhosan Chemical Co., from St. Louis, Mo., on or about November 4, 1930, and had been transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of a pasty mass containing calcium carbonate, glycerin, and a small proportion of creosote.

It was alleged in the libel that the article was misbranded in that the following statements on the tube and carton labels and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube and carton) "Prevents Pyorrhea, Preserves the Gums * * * A proven medicinal agent in checking and controlling Pyorrhea, relieving and preventing soft, bleeding gums, pre-

venting receding gums, making them hard and firm. * * * A Healthy Mouth is a Good Foundation;" (circular) "Pyro Sana Tooth Paste will check pyorrhea, make the gums hard and firm, relieve and prevent, soft, bleeding gums and maintain a vigorous and healthy mouth."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18330. Adulteration and misbranding of ether. U. S. v. 59 Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25589. I. S. No. 12060. S. No. 3894.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 59 quarter-pound cans of ether, remaining in the original unbroken packages at Pueblo, Colo., consigned by Merck & Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about August 7, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading, since the article did not conform to the standard known as U. S. P.

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18331. Misbranding of Worm-O-Tone. U. S. v. 4 Cases, et al., of Worm-O-Tone. Default decree of forfeiture and destruction. (F. & D. No. 25531. I. S. No. 2226. S. No. 3800.)

Examination of a drug product, known as Worm-O-Tone, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On December 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 cases, each containing 6 dozen quart-sized bottles, and 1 case containing 1½ dozen pint-sized bottles of Worm-O-Tone, remaining in the original unbroken packages at Salem, Oreg., alleging that the article had been shipped by F. F. Smith & Co., from Sacramento, Calif., on or about October 28, 1930, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a compound of copper, turpentine oil, a fatty oil, a gum (emulsifying agent), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label, pint and quart size) "Worm-O-Tone Tonic For Bowel Ailments, Worm Control, Pox, Roup, And Swell Head. Worm-O-Tone is * * * for the purpose of relieving the intestinal tracts of all fowls of worms. It also allays irritation and the inflamed conditions connected therewith, and re-establishes a normal and healthy condition by lubrication and by assisting

proper elimination. The oils are partly absorbed and tend to tone the bowels and build up the waste tissues. * * * as a winter tonic. * * * Worm-O-Tone is a germicide and a most satisfactory poultry remedy, both as a preventive and cure of poultry ailments. Feed Worm-O-Tone for Health * * * Worm-O-Tone Co., * * * For Worms—Worm-O-Tone twice a week will control the worms. Birds infected should be fed two tablespoonfuls in each gallon of drinking water or milk every day until they show noticeable improvement. * * * Worm-O-Tone * * * is a splendid tonic. Baby Chicks—One tablespoonful of Worm-O-tone in each gallon of water as a germicide and preventive against white diarrhea. Chicken Pox And Roup—Two to four tablespoonfuls in each gallon of water every day while birds are sick, then one to two tablespoonfuls as a tonic and preventive. * * * Feed to cockerels and you can market them early. * * * Save your Turkeys. Worm-O-Tone controls turkey ailments. * * * This prevents flatulence which is a gas that settles in the caeca. When turkeys are being treated for worms use two tablespoonfuls every day until controlled, then drop back to one tablespoonful as a tonic and germicide. Swell Head In Turkeys—Use two to four tablespoonfuls in each gallon of water. This has proven a very satisfactory remedy for the above disease."

On May 25, 1931, no claimant having appeared for the property, a decree was entered by the court finding that the product should be forfeited, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18332. Misbranding of Ketterer's Excelsior blood purifier. U. S. v. 17 Dozen Bottles of Ketterer's Excelsior Blood Purifier. Default order of destruction. (F. & D. No. 25545. I. S. No. 7458. S. No. 3807.)

Examination of a drug product, known as Ketterer's Excelsior blood purifier, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the labels represented it to be a vegetable compound, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about December 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 dozen bottles of Ketterer's Excelsior blood purifier, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the Waco Drug Co., Waco, Tex., on or about November 6, 1929, and had been transported from the State of Texas into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of 2 per cent of potassium carbonate and potassium nitrate, extracts of plant drugs including a laxative drug, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the circular, were false and misleading: (Bottle) "This medicine is purely Vegetable, is composed of the Roots and Herbs of Southeast Georgia and Florida;" (circular) "Made from nature's Herbs;" (carton) "Made from Roots and Herbs." Misbranding was alleged for the further reason that the following statements, appearing on the bottle and carton labels and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Blood Purifier a Remedy for all Diseases of the Blood, Syphilis, Rheumatism, Malaria and Neuralgia, Ulcers and Bleeding or Itching Piles, Removes Pimples, Cleanses and Beautifies the Complexion, Relieves Indigestion;" (carton) "Blood Purifier * * * It Beautifies the Complexion. It makes sick people well. It makes old people feel young again. It is sold on a guarantee and does just what we say. Blood Poisoning from whatever origin yields to its powerful, cleansing, purifying, vitalizing effect upon the blood. One bottle will remove pimples from the face. A remedy for Blood Poison, Impure Blood, Salt Rheum, Rheumatism, Neuralgia, Ulcers, Ring Worm, Nervous Debility, Sleeplessness, Hysteria, Kidney Trouble, Eczema, and all other Blood Diseases. A Specific Guaranteed Cure for Syphilis. * * * Guaranteed Remedy for all Blood Diseases;" (circular) "Blood Purifier * * * Cures

Blood Poison, Ulcers, Nervous Debility, Eczema, Kidney Troubles, and all other Blood Diseases. A Splendid Tonic. A specific remedy for all female troubles. * * * Serious Blood Poisons require six bottles to cure. * * * Blood Purifier For all disorders of the Blood."

On May 21, 1931, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and forfeiture, and it was ordered by the court that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18333. Adulteration of ergot of rye. U. S. v. 10 Bags of Ergot of Rye. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25289. I. S. No. 7324. S. No. 3557.)

Samples of ergot of rye from the shipment herein described having been found to be moldy and to show evidence of insect infestation, with insect excreta and extraneous matter present, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On or about November 7, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 bags of ergot of rye at Detroit, Mich., alleging that the article had been shipped by F. W. Berk & Co., from New York, N. Y., September 23, 1930, and had been transported from the State of New York into the State of Michigan, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of quality or purity as determined by tests laid down in said pharmacopoeia.

On February 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18334. Adulteration and misbranding of Sozodont liquid. U. S. v. 17 Dozen Bottles of Sozodont Liquid. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24850. I. S. No. 022847. S. No. 3166.)

Examination of a product, known as Sozodont liquid, from the shipment herein described having shown that the label represented the article to be antiseptic and to possess certain curative and therapeutic properties, whereas it was not antiseptic and did not possess the curative and therapeutic properties claimed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On June 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 dozen bottles of Sozodont liquid, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Bloch Drug Co., from Brooklyn, N. Y., to San Francisco, Calif., on or about January 4, 1930, and had been reshipped to the Bloch Drug Co., from San Francisco, Calif., May 29, 1930, that the said shipment had been made in interstate commerce, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of borax, sodium salicylate, saccharin, volatile oils including menthol and methyl salicylate, soap, glycerin, alcohol, and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton and bottle label) "Antiseptic," and the strength of the article fell below such professed standard.

Misbranding was alleged for the reason that the statement on the carton and bottle label, "Antiseptic," was false and misleading when applied to an article that was not antiseptic. Misbranding was alleged for the further reason that the following statements appearing on the carton label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Sozodont Liquid is a good medium for use in massaging the gums. The gums should be thoroughly massaged to reduce the chances of Pyorrhea."

On July 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18335. Misbranding and alleged adulteration of Dr. E. A. Welter's antiseptic tooth powder. U. S. v. 8 Dozen Packages of Dr. E. A. Welter's Antiseptic Tooth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25900. I. S. No. 8136. S. No. 4077.)

Examination of the drug product herein described having shown that the article was represented to be antiseptic, whereas it was not, also that the carton and can labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On February 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 dozen packages of the said Dr. E. A. Welter's antiseptic tooth powder at Memphis, Tenn., alleging that the article had been shipped by the E. A. Welters Tooth Powder Co., from Jacksonville, Fla., on or about October 28, 1930, and had been transported from the State of Florida into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, and small proportions of ammonia alum, and volatile oils including peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard of quality under which it was sold, namely, (carton, can, and circular) "Antiseptic Tooth Powder," since the article was not antiseptic.

Misbranding was alleged for the reason that the following statements on the carton and can labels and in the circular, were false and misleading when applied to an article which was not antiseptic and which was adulterated and misbranded within the meaning of the Federal food and drugs act: (Carton) "Antiseptic Tooth Powder * * * This preparation is not adulterated or misbranded within the meaning of the Pure Food and Drugs Act, June 30th, 1906;" (can and circular) "Antiseptic Tooth Powder." Misbranding was alleged for the further reason that the following statements on the carton, circular, and can, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tender Bleeding Gums Preventing Pyorrhea;" (circular) "Bleeding Gums Danger Signal of Pyorrhea! * * * Dr. Welter's Antiseptic Tooth Powder Heals and Hardens Bleeding Gums. This dentifrice is universally recognized as the most Efficacious Preparation known to dental science for Healing and Hardening Tender and Bleeding Gums. It is Unexcelled for * * * Preventing Pyorrhea. * * * The first symptoms or signs of pyorrhea are 'bleeding' and 'irritated' gums, which should be corrected immediately by consulting a dentist and using Dr. Welter's Antiseptic Tooth Powder, which is specially prepared for Healing and Hardening Bleeding Gums. * * * The enamel is to the teeth what the outer layer of skin is to the body, and when impaired, the 'microorganism' which is commonly known as the 'tooth germ,' enters the tooth, and from this point decay begins. Dr. Welter's Antiseptic Tooth Powder * * * Prevents Decay. * * * The 'cause of decay in teeth' and how to prevent it. * * * By removing the constant germ formation from the teeth by the use of 'Dr. Welter's Antiseptic Tooth Powder,' applied with a good tooth brush, morning, noon and before retiring. * * * Do not wait until you are infected with 'Pyorrhea' before using a preventative. Start using Dr. Welter's Antiseptic Tooth Powder or Paste immediately as a 'Preventative' against the infection of this disease. It is prepared specially for Preventing Pyorrhea, Healing and Hardening Bleeding Gums;" (can) "Bleeding Gums * * * Prevents Pyorrhea * * * For * * * Tender Bleeding Gums, * * * and Preventing Pyorrhea."

On May 12, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation and

forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18336. Misbranding of Chlorax. U. S. v. 9 Bottles of Chlorax. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25841. I. S. No. 8164. S. No. 4065.)

Examination of a drug product, known as Chlorax, from the shipment herein described having shown that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 bottles of Chlorax at Memphis, Tenn., alleging that the article had been shipped by the Chlorine Products Co., from Primos, Pa., on or about August 17, 1929, and had been transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium hypochlorite, lithium chloride, a small proportion of mercuric chloride, a trace of alkaloid, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "An Internal Antiseptic indicated in the treatment of renal, hepatic, gastro-intestinal diseases, diabetes, diphtheria, scarlatina, malaria, etc.;" (circular) "It makes possible the introduction of internal antiseptics into the intestinal canal, and by absorption, into the blood, without fear of irritation or toxic effect. Dosage: * * * Indicated in diphtheria, malaria, diabetes, gastritis, gastric or duodenal ulcer, colitis and intestinal fermentation and putrefaction, also in chronic eczema and psoriasis. In Diabetes Mellitus it efficiently removes and prevents the gastro-intestinal fermentation, production of acids, and resultant acidosis. Given regularly in diabetes cases it usually clears up the gastro-intestinal condition and permits the use of a more liberal diet, as indicated. by lack of increase in the sugar output. Directions in Diabetes: * * * must be taken regularly and persistently. * * * In Tuberculous Diathesis, early stages of tuberculosis, and even in established cases, the routine administration * * * is attended with much benefit. * * * Septic Sore Throat, Tonsilitis, ulceration * * * of the mouth, throat or tongue * * * Asthma is often greatly benefitted by * * * As Prophylactic mouth wash or gargle * * * In Mastoiditis it dissolves pus and reduces inflammation. * * * In Dental Work, used as a mouth wash * * * of great value in the treatment of pyorrhea."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18337. Misbranding of Dr. Livingston's Re-Gem. U. S. v. 68 Bottles of Dr. Livingston's Re-Gem. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26217. I. S. No. 27532. S. No. 4444.)

Examination of a drug product from the shipment herein described having shown that the folder and circular accompanying the article contained statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the article was represented to be a vegetable compound, whereas it contained mineral substances, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 bottles of the said Dr. Livingston's Re-Gem, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., on or about February

28, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (8.3 grams per 100 milliliters), extracts of plant drugs including a laxative drug, alcohol (11.8 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and in the circular, "A strictly vegetable compound," was false and misleading, since the article contained mineral substances. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Yellow folder) "Regenerator The Great Nerve Tonic And Blood Purifier * * * obviates the effects of debility and restores the flow to a healthy condition. Everyone needs and requires a Tonic to stimulate and create healthy action throughout the system. As a Cleanser. It stimulates the activity of the cells and tissues of the vital organs, giving them vitality and efficiency to guard against disease by eliminating waste through the Liver and Kidneys. * * * As a Tissue Builder. It promotes the growth, development and reproduction of bone and muscle tissues—keeping these tissues in a healthy condition and promoting the general welfare of the body. * * * Re-Gem Formerly Regenerator. Answer the call of health. Regenerator * * * Vigorous Health, Strong Vitality, Restored Appetite, Restful Nights, Clear Complexion, Regained Strength, Rounded Physical Form, 'Pep,' Vim and Success * * * Regenerator supplies the necessary nourishment for your blood, giving it strength and vitality—it stimulates the growth and reproduction of cells and tissues, enabling the enriched blood and stronger cell life to throw off accumulated poisons, impurities and waste and regenerating a healthy condition throughout the system. Kidney and Bladder Troubles. These organs become stagnant and inactive—accumulate poisons and impurities which are taken up by the blood and distributed throughout the system. Such dreadful diseases as Rheumatism, Brights' Disease, Kidney Colic, and Dropsy are directly traceable to neglected ills of these organs. Regenerator removes the stagnation and a healthy, normal condition is restored to these organs. The Blood. The circulatory system is either continually distributing disease or fighting against it. If the blood is impoverished, impurities are, in this way, carried to various parts of the body—Boils, Abscesses, Eczema and Skin Diseases are some of the effects. Malaria, Rheumatism and many other serious diseases are due to an impure condition of the blood, on the other hand, Regenerator enriches, purifies and builds up a strong, healthy blood so that it is able to fight its battles against disease and win. Liver Complaint. As with other vital organs, the Liver becomes overworked, torpid and sluggish—Biliousness, Headache, Sour Stomach, Constipation and Lack of Energy are some of the forerunners of more serious complications. Regenerator assists Nature in restoring the Liver to a normal condition and checks future troubles. The Nerves. Physical fatigue, Insomnia, Nervousness and many other contrary ills are due to some outside influence that has weakened the Nerve System. Regenerator has demonstrated that it is essentially a Nerve Tonic. Female Troubles. Regenerator is especially valuable in the treatment of Female Troubles. It soothes and strengthens the entire system, relieves the tired and distressed feeling and brings new hope and health to afflicted women. * * * You Need Help Today Because—those shooting-pains and sore joints indicate the appearance of Rheumatism—that bilious and 'headachy' feeling proves a stagnant liver—those Pimples, Boils, Ulcers and Skin Blemishes show that the Blood needs purifying,—that 'tired feeling,' wakeful nights, lack of energy and 'pep' are results of an undernourished system,—those spells of Indigestion lead to more serious complaints. Correct this disorder now,—that Lame Back points to inactive Kidneys,—the 'after-effects' of 'flu' need to be checked,—some seemingly unimportant ill might easily and quickly develop into something more serious,—you must be 'in condition' to meet the needs of yourself and family.—You Need Help Today to correct a multitude of ills that are unsuspected. You Need * * * Regenerator The Great Nerve Tonic And Blood Purifier * * * Do You Know—that whether you are on crutches with Rheumatism; suffering from Kidney and Bladder Troubles; threatened with Brights' Dis-

ease; Uric Acid Poisoning; High Blood Pressure, etc.,—whether it is a Nervous Breakdown, Sleeplessness or Staggering Spells—Regenerator will prove its wonderful merit in bringing relief.—that it may be from Bilious Headache, Loss of Appetite, Dizziness or other general complaints due to a Sluggish Liver, you are suffering. In any case Regenerator stands ready to prove its wonderful aid in removing these troubles and restoring you to normal health.—that if your troubles are deep-seated Blood Afflictions—Eczema, Boils, Skin Diseases, Ulcers, Abscesses or other troubles of long standing, arising from impurities in the blood, by taking Regenerator you will be astonished and happy to see how quickly your troubles begin to disappear. * * * and is all its name implies—it regenerates the entire system—it nourishes and feeds the tissues and cells that constitute the human body—it drives impurities from the blood, giving this Life Stream new strength and vitality to combat disease. * * * [Testimonials in yellow folder] Four bottles of Regenerator entirely cured me of Rheumatism. * * * Rheumatism Sufferer Says: * * * I suffered from Rheumatism and lameness for months and was practically unable to move about without excruciating pains. It seemed impossible for me to find relief, until a friend insisted that I try Regenerator. The first bottle afforded almost immediate relief, and two bottles practically cured me. * * * Female Trouble Sufferer Says: * * * For five years I suffered with Female Trouble, Kidney and Bladder Trouble and Constipation. Was also troubled with the change of life. I had three different doctors, but they did me no good. My husband bought a bottle of Dr. Livingston's Regenerator and have found myself that it is worth its weight in gold. I advise all suffering women to take it. * * * 'Flu' After-Effect Sufferer Says: * * * The writer has secured highly satisfactory results, after taking only one bottle of Regenerator. Some two years ago I suffered with an attack of Influenza which left me in a very serious physical condition, loss of energy, loss of appetite and inability to secure a good night's rest. It is my belief that Regenerator has made a new man of me. * * * Kidney and Bladder Sufferer Says: * * * I have often made the remark to my friends, that I hoped some day I could do something to help others, but on account of my health I never expected to do much. But here is my opportunity to tell sufferers, like I have been, what to do. I have been a chronic sufferer for six years with Kidney and Bladder Trouble, Lamé Back, Sick Headache, Nervous Indigestion and Dizziness. My husband coaxed me to give Regenerator a trial and I started taking it—now I hardly know how to explain my feelings and gratitude as it is wonderful what Regenerator did for me. I am now taking my third bottle and I feel like I used to feel years ago. * * * Your own Symptoms indicate a weakened condition of the blood—that it hasn't the strength to throw off germs and build new vitality. A blood purifier and Tonic is necessary to build up your system before improvement can be expected. Regenerator has proven to be the greatest remedy yet introduced for properly nourishing the blood supply and restoring the afflicted to normal health again. * * * As the season changes, the body also undergoes many changes. The difference in temperature, diets and even exercise and sports—effect our condition. The Digestive System is the most complex of all and can cause the most suffering. The Stomach is subjected to severe treatment due to the above reasons and constant care is necessary for maintaining health and vigor. That is why some reliable restorative and tonic, like Regenerator, should be used regularly during hot weather;” (white circular) “Dr. Livingston's Regenerator * * * for Rheumatism, Kidney and Bladder Trouble, and all diseases arising from impure blood, Lamé Back, Uric Acid Poison, Gravel, Inflammation of the Bladder, Dropsy or Swelling of the Feet and Limbs, Loss of Flesh, Liver Complaint, Malaria Biliousness, Headache, Foul Breath, Coated Tongue, Grippe, Female Weakness, etc.”

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18338. Misbranding of Dr. Livingston's Golden catarrh balm. U. S. v. 11 Jars of Dr. Livingston's Golden Catarrh Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26235. I. S. No. 27536. S. No. 4519.)

Examination of a drug product, known as Dr. Livingston's Golden catarrh balm, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic

properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 jars of Dr. Livingston's Golden catarrh balm, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Search Warrant Liniment Co., from Griffin, Ga., on or about February 28, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of volatile drugs (8.2 per cent) including phenol, camphor, menthol, and eucalyptol, incorporated in a mixture of petrolatum and paraffin.

It was alleged in the libel that the article was misbranded in that the following statements on the jar label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For the Relief of Catarrh, Hay Fever * * * Deafness and all Catarrhal Diseases. Endorsed by physicians as the perfection of Catarrh Cures. An excellent remedy for Piles, * * * Sores, and will remove all pimples. * * * Catarrh Balm The Great Healing Salve."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18339. Misbranding of Dr. Livingston's Golden catarrh balm. U. S. v. 9 Jars of Dr. Livingston's Golden Catarrh Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26236. I. S. No. 27529. S. No. 4518.)

Examination of a drug product, known as Dr. Livingston's Golden catarrh balm, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 jars of Dr. Livingston's Golden catarrh balm, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., on or about November 21, 1930, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of volatile drugs (8.2 per cent) including phenol, camphor, menthol, and eucalyptol, incorporated in a mixture of petrolatum and paraffin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the jar label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For the Relief of Catarrh, Hay Fever * * * Deafness and all Catarrhal Diseases. Endorsed by physicians as the perfection of Catarrh Cures. An Excellent remedy for Piles, * * * Sores, and will remove all pimples. * * * Catarrh Balm The Great Healing Salve."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18340. Misbranding of Pain-I-Cure. U. S. v. 22 Bottles of Pain-I-Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26118. I. S. No. 27526. S. No. 4355.)

Examination of a drug product, known as Pain-I-Cure, from the shipment herein described having shown that the article contained less alcohol than declared on the label, also that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of Pain-I-Cure at Tampa, Fla., alleging that the article had been shipped by Cox & Simpkins, from Atlanta, Ga., on or about February 12, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils including camphor and sassafras oil, capsicum oleoresin, alcohol (73 per cent by volume), and chloroform (4.6 grams per 100 milliliters).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Pain-I-Cure The Pain Remedy * * * Relieves Neuralgic, Rheumatic, Nervous or Spasmodic Pains * * * Backache * * * Diarrhoea, Dysentery, * * * Swellings of all kinds, Stiff Neck, sore throat, sick stomach or sea sickness. In cases of Bad Coughs, * * * Pneumonia it affords quick relief;" (bottle) "Pain-I-Cure For all kinds of Pains, Neuralgic, Rheumatic, Nervous or Spasmodic, Relieves * * * Headache, Backache, Coughs * * * Lameness, Cramp Colic, Diarrhoea, Dysentery * * * all kinds of swellings." Misbranding was alleged for the further reason that the statement on the carton, "Alcohol 80%," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration "Alcohol 80%" was incorrect.

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18341. Misbranding of Fulton's renal compound. U. S. v. 133 Bottles of Fulton's Renal Compound. Default decree of destruction entered. (F. & D. No. 25383. I. S. No. 7460. S. No. 3650.)

Examination of a drug product, known as Fulton's renal compound, from the shipment herein described having shown that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On December 2, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 133 bottles of the said Fulton's renal compound, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the Hartig Drug Co., Dubuque, Iowa, on or about December 7, 1929, and had been transported from the State of Iowa into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of borax, sodium nitrate, extracts of plant drugs including uva ursi and a laxative drug, small proportions of salicylic acid and tannin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Guaranteed by John J. Fulton Co., under the food and drugs act June 30, 1906, number 2339," was false and misleading, since the article was not so guaranteed. Misbranding was alleged for the further reason that the following statements on the bottle label and in the accompanying circular were applied to the article knowingly and in wanton and reckless disregard of their truth or falsity so as to represent to purchasers, and create in the minds of purchasers, the impression and belief that the article contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof, whereas the article contained no ingredient or combination of ingredients capable of producing the effects contained: (Bottle) "Renal Compound for Bright's and Kidney Disease;" (circular) "Renal Compound for Bright's Dis-

ease * * * Where the heart is involved, with shortness of breath, meaning weakened heart, with uraemic tendency, it is best for a while to adhere to a more simple and easily digested diet, such as milk, fruit juices, etc., avoiding meat (with the exception of a little poultry), and being careful not to take too much farinaceous food, as this often causes gas that increases the asthmatic attacks which are quite common in Bright's Disease. After the symptoms are yielding to the Renal Compound, a more liberal use of the following diet is then allowed. * * * Directions. Mild Cases * * * More Advanced Cases * * * In Advanced or Extreme Cases. * * * Bright's Disease * * * Before this Company purchased of the late John J. Fulton the formulae for Fulton's Compound for Bright's Disease and Diabetes, tests were made to determine the efficiency. * * * Patients intending to pronounce judgment on this Compound from one or two bottles will confer a favor on us if they will not take it at all. In a great many cases of Bright's Disease no improvement will be noted before the Compound has been taken for at least a month. What we claim is that three months of the treatment usually shows such improvement that patients thereafter commonly continue the compound of their own volition. * * * Kidney Disease. It is a common belief that 'kidney trouble,' under whatever name, is a simple curable ailment, and that Bright's disease is inevitably fatal. Neither of these views is correct, for the simple reason that whether the renal inflammation shows albumen and is called 'Bright's Disease' or whether it does not and is called 'Nephritis,' or 'Kidney Trouble,' text books declare it to be incurable after it becomes chronic. According to some writers, the disease assumes the chronic form about the sixth month. In plain English, this means that inflammation of the kidneys has been considered incurable after the sixth month. Therefore kidney trouble in any form is not to be treated lightly. * * * Renal Compound approaches kidney disease from a new direction. * * * Instead of exciting the kidneys the motive of the Renal Compound is to reduce inflammation and stop degeneration. * * * The first results may be looked for in from two to three weeks (at times may show a little the first week) by a small increase in the urine and specific gravity, or a slight reduction in the albumen and casts, or a little better feeling physically, or a small reduction in the dropsy, if that symptom has been in evidence. Then again the patient may feel better without any early decrease in the albumen and casts. At times both albumen and sugar are found in the same case. In such cases Fulton's Diabetic Compound is advised where the sugar is largely in the ascendancy; and per contra, Fulton's Renal Compound when the albumen is found to predominate. * * * Fulton's Renal Compound * * * In a word, the physician gives Fulton's Renal Compound to relax the kidneys and treats the heart and other symptoms independently just as if he were not giving it. Skilled physicians who aid the Renal Compound when necessary by stimulating nutrition, treating the heart, increasing the eliminations where diuresis is insufficient or there are uraemic symptoms, treating the bowels, keeping the skin active, promoting digestion and prescribing such tonics, etc., as the case indicates, are getting results in many cases in which failure has been the rule. Where the dropsy is disturbing and does not respond quickly enough to the compound it can be distinctly aided and the dropsy reduced in most cases by treating the heart in connection with appropriate purgatives until the compound acts on the Renal inflammation. In fact, in some extreme cases tapping has been resorted to, a number having recovered after having been tapped several times. The Renal Compound has commonly gotten results alone, but aided by the resources of an experienced physician extreme cases often yield. Casts, albumen and dropsy do not bar recovery if the patient has a fair heart and recuperative power. * * * in extreme cases where there is uraemic vomiting (green in color) it is almost invariably followed by convulsions and calls for purgatives, sweats and lessening of the blood pressure with a high enema to clear the lower bowels and sedatives to quiet the nervous system. * * * As to sedatives, as the stomach is in a catarrhal condition due to uraemic poisoning, he frequently gives twenty grains of chloral per rectum with good results. * * * Fulton's Renal Compound is particularly for Bright's and kidney disease."

On May 21, 1931, no claimant having appeared for the property, a decree was entered adjudging the product to be subject to confiscation and forfeiture, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18342. Misbranding of Dr. Livingston's Regenerator. U. S. v. 10 Dozen Packages of Dr. Livingston's Regenerator. Default decree of destruction entered. (F. & D. No. 25517. I. S. No. 7459. S. No. 3763.)

Examination of a drug product, known as Dr. Livingston's Regenerator, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the articles possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about December 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen packages of Dr. Livingston's Regenerator, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the McKesson-Lincoln Co., Little Rock, Ark., on or about June 5, 1930, and had been transported from the State of Arkansas into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including glycyrrhiza and a laxative drug, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton, "Guaranteed to conform with all pure food laws," was false and misleading, since the article did not conform to the Federal food and drugs act. Misbranding was alleged for the further reason that the following statements, appearing on the bottle and carton label and in the accompanying circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Liver and Kidney Medicine. It purifies the blood and brings an end to rheumatism. By its use * * * impurities driven from the system. * * * It brings vim and life to the body. * * * Dr. Livingston's Regenerator Is Particularly Recommended for the Following Ailments: Torpid and Sluggish Liver, Kidney and Bladder Trouble, Indigestion, * * * Headache and Dizziness, Spots Before the Eyes, Scanty or Profuse Urination attended by Pain and Burning Sensation, Rheumatism, Stiff and Aching Joints, Muscular Pains, Run Down Condition with Loss of Appetite and Weight, Nervousness, Mental Depression and Dullness of Mind. Impure Blood, with Eruptions on the Face and Body, Malaria and Ague with the attendant Chills and Fever. Its Tonic Invigorative Properties are of great value to the aged and those recovering from recent illness, as it causes increased assimilation and builds new tissue. Regular use of the Regenerator has never failed to bring results;" (carton) "Liver and Kidney Medicine * * * It is unequalled as a general tonic, * * * and drives impurities from the system. By its use the blood is purified and rheumatism ended. * * * it brings vim and life to the body. * * * This is one of the most valuable remedies for Nervous and General Debility, Weak Kidneys, Lame Back, Liver Complaint, * * * Rheumatism and all Impurities of the Blood of Long Standing. It is a Tonic and Strength Builder. One bottle of this medicine convinces you of its wonderful curative qualities. For the troubles peculiar to women it is of inestimable value * * * Nursing mothers are especially benefited by its use. * * * Repairs Waste Tissue, Builds Up the System, Purifies the Blood and Is a Wonder-Worker for the Liver. When you cannot sleep, and feel weak from overwork and other causes, take this Regenerator. It will strengthen your nerves, * * * and restore your health. As a regulator for the liver it is invaluable, and should be used by all. There can be no biliousness when this great medicine is used. * * * Regenerator is unequalled for restoring the freshness and brilliancy of youth. It paints the bloom of a rose in the face, for it brings new health and life to the body. Use the Regenerator one week and note the decided improvement. Its alterative properties cause a purified and enriched supply of blood, and spots and eruptions are banished. Sallowiness disappears and the long lost look of youth returns. Do not allow old age to advance upon you when this Regenerator is at hand. Its faithful use will accomplish wonders;" (circular) "Dr. Livingston's Regenerator. The Great Nerve Tonic and Blood Purifier * * * General Improvement in your condition should be noted within five days after beginning the use of Regenerator. In the treatment of very severe cases the faithful use of Regenerator will accomplish wonders. * * * Regenerator is highly recommended to anyone who have just gone through a spell of serious

illness—it will enrich the blood supply, tone up the nerve system and restore your lost strength and energy. * * * Dr. Livingston's Regenerator. The Great Nerve Tonic and Blood Purifier—is particularly recommended in the treatment of the following ailments: Torpid and Sluggish Liver, Kidney and Bladder Troubles, Indigestion, * * * Headache and Dizziness, Spots before the Eyes, Rheumatism, Stiff and Aching Joints, Muscular Pains, Rundown condition with Loss of Appetite and Weight, Nervousness and Mental Depression, Impure Blood with Eruptions on the Face and Body, Malaria and Ague with the attendant Chills and Fever, and other troubles arising from an impoverished blood. These troubles come from impurities creeping into the blood from organs which have become stagnant and inactive. Regenerator increases assimilation, clears out stagnation and purifies the blood. * * * effective results are assured within five days. It soothes and feeds the delicate tissues, purifies the blood and restores a healthy, vigorous condition where disease has existed. * * * 'I have suffered a great deal from indigestion and rheumatism. Being a very hearty eater my condition has been, at times, greatly aggravated. Regenerator was recommended to me; and I am now on my fifth bottle. The results have been wonderful—I am absolutely free from Rheumatic pains, can digest anything I care to eat and my liver and kidneys have been stimulated to such an extent that I feel that I am as strong and well as ever. Regenerator is a wonderful remedy and I can sincerely recommend it to all sufferers.' * * * This expression from a sufferer who has been restored to health is similar to thousands we have had on the merit of Regenerator. You owe it to yourself to faithfully use this wonderful remedy and regain that feeling of good health. * * * Every family should keep a bottle of Regenerator on hand and from time to time take a few days' treatment. In this way the blood is kept purified and toned up to throw off the daily accumulation of germs—it simply makes it easier for the blood to do its work well. Your greatest happiness comes when you feel strong and healthy. Why not keep in that condition—give Regenerator the opportunity to prove its great value to your health. * * * The Great Blood Purifier and Health Tonic."

On May 21, 1931, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and forfeiture, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18343. Adulteration and misbranding of Baptisine. U. S. v. 24 Dozen Bottles, et al., of Baptisine. Default decree of destruction entered. (F. & D. No. 25317. I. S. No. 7461. S. No. 3586.)

Examination of the composition and labeling of a drug product, known as Baptisine, from the shipment herein described having shown that the article was represented to be antiseptic, whereas it was not, also that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On November 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 24 dozen 4-ounce bottles, 18 dozen 8-ounce bottles, and 14 dozen 16-ounce bottles of Baptisine, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by A. Renkert & Co., from Memphis, Tenn., on or about April 9, 1930, and had been transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of sodium bicarbonate, sodium borate, camphor, menthol, and alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Wrapper inclosing 8- and 16-ounce sizes) "Antiseptic. It Kills the Germ. * * * Antiseptic Lotion;" (wrapper, 4-ounce size) "Antiseptic * * * Antiseptic Lotion;" (bottle, all sizes) "Antiseptic. It Kills the Germ * * * Antiseptic Lotion;" (circular accompanying all sizes) "Antiseptic. It Kills the Germ * * * Antiseptic Lotion * * * is a perfect antiseptic, * * * Dr. E. H. Cole. He has given the world 'Baptisine' by applying Dr. Pasteur's principle of inhibition. 'It is the implanted germ that causes disease. Inhibit the multiplication of these germs and you remove all danger. A gentle antiseptic will as effectually inhibit this multiplication as the dangerous germicides.' * * * To that end this antiseptic has been trade-marked 'Baptisine' * * * Baptisine will permeate everywhere, destroying germ life * * * The Antiseptic With a Thousand Uses." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article appearing on the bottle label and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For * * * Hay Fever, Catarrh * * * Grippe and Sneezing * * * For Sore Throat, * * * Cuts, * * * and for Surgical and Prophylactic Purposes;" (circular) "Recognized as a Distinct Aid in Preventing Dangerous Infections * * * Directly Beneficial and Promptly Effective in all cases of Coughs, * * * Catarrh or Chronic and Temporary Disorders of the Throat and Nostrils. * * * It is especially adapted to the treatment of all diseases and disorders where the need for a purifying and healing agent is indicated. * * * Heal the Little Hurts * * * For Sore Throat. Baptisine will give immediate relief to inflamed tonsils or throat if used as a gargle or spray. * * * For Cuts and Wounds. * * * For inflamed * * * Eyes. * * * for Hay Fever. Though Hay Fever is such a stubborn disorder to overcome, most cases will readily yield to Baptisine if used frequently * * * Speakers and singers find Baptisine a remarkable aid in keeping * * * the throat tissues free from inflammation. * * * For Nasal Catarrh. * * * For Canker Sores. * * * For Sore Nipples. The cooling and healing action of Baptisine will heal and toughen the nipples."

On May 21, 1931, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and forfeiture, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18344. Misbranding of Alertox and Alco Pain Killer. U. S. v. 6 Cartons of Alertox, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26175. I. S. Nos. 14570, 14571. S. No. 4477.)

Examination of samples of the drug product herein described having shown that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six cartons, each containing six combination packages of Alertox and Alco Pain Killer, remaining in the original unbroken packages at Tampa, Fla., alleging that the articles had been shipped by Alertox (Inc.), from Atlanta, Ga., on or about September 26, 1930, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Alertox consisted essentially of Epsom salt (23 per cent), sodium phosphate, sodium acid phosphate, water, and flavoring material; and that the Alco Pain Killer consisted of kerosene, ether, and volatile oils such as methyl salicylate, mustard oil, turpentine oil, and camphor oil.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Alertox, shipping carton) "Alertox, Physical Fitness, Mental Effi-

ciency;" (Alertox, carton) "Indigestion;" (Alertox, small booklet contained in carton for Alco Pain Killer) "Alertox, Physical Fitness, Mental Efficiency. * * * This booklet is placed in your hands with the hope that, through a simple understanding of why and how we get sick, you will, by following equally simple rules, be able to keep your mind and body fit for the ever-increasing duties present-day living imposes. * * * Very frequently nature is over-taxed, either through improper diet, over-eating, or occasionally from some foreign substance entering the stomach, and it is during such conditions that nature, as hard as it tries, cannot cope with the tremendous amount of overwork necessary to eliminate these excess accumulations of putrid matter. So you may easily understand that when this condition comes about, these thousands of little folds and crevices cannot help but become clogged with undigested food matter, and, undigested food matter remaining in these folds, soon becomes decayed and throws off violent poisons, which through the blood stream, find their way into the entire system. These poisons, being disseminated by the various organs of the body, usurp a tremendous amount of nerve, brain and muscle energy; therefore, languidness, which is a sluggish, dull and no-energy feeling, is always a warning that nature needs assistance. Nature does its best to maintain a germ-free system for you, but a continuous over-taxing will soon break down the most rugged resistance, and, in time, induce serious illness. You can keep your system clear of this dangerous condition by simply aiding nature to sweep away the accumulation of poisons; dislodge the stagnant matter in the folds of the intestines and stomach walls, and encourage the liver to become more active. To clear away this clinging refuse matter * * * there is nothing better than a good * * * saline eliminant. Alertox * * * one of the most effective, * * * saline eliminants * * * Alertox, by reason of its slight accumulative action, may be used in decreasing doses until a normal condition is restored. The regular use of Alertox before breakfast induces healthy elimination, with a tendency to maintain the liver, kidneys, and bowels in their normal working order, insuring good health day in and day out. * * * Alertox as an aid in the treatment of numerous ailments, and as a general health preserver, * * * The principal active ingredient of Alertox possesses such important properties * * * makes its employment especially valuable in the treatment of many ailments * * * one of the outstanding requirements, even with professional treatment of any physical disorder, is that of clearing the stomach and intestinal tract of toxic poisons * * * the regular use of Alertox will insure a proper hygienic condition of the alimentary tract, thus preventing diseases that might otherwise develop from the absorption of accumulated stagnant waste matter. * * * Flushing the system thoroughly with a good liquid saline product is the safest and the most effective method of treating any form of constipation. Take Alertox as follows: * * * Biliousness. Biliousness—or toxemia * * * is simply a condition denoting an abundance of systemic poisons. The liver is supposed to prevent this condition, but where there is actual constipation, wrong eating, drinking or irregular habits, the liver becomes over-taxed, thereby allowing more poison to accumulate in the system than is thrown off. Biliousness, if allowed to continue, almost invariably brings on some kind of illness and no time should be lost in coming to the aid of nature with some safe, efficient and reliable eliminant. It is best to treat this condition over a period of two or three days than to simply take some violent, one-day treatment, for such treatments seldom do more than partially clear up the poisons that have accumulated. Take Alertox as follows: * * * Indigestion * * * acids, gas, etc., and if you will eliminate these you'll have no indigestion. This you can do, * * * with Alertox, and in addition keep the stomach sweet and system alkaline. * * * In acute attacks, one tablespoonful * * * Chronic cases, two to three teaspoonfuls * * * For the 'Morning After.' When you wake up in the morning after the night before, with a sluggish body, cobwebby brain and aching head, take two teaspoonfuls of Alertox in a full glass of water, and in 30 minutes you'll feel a most delightful sensation of returning physical and mental vigor, and that raging headache will be gone. Try it and see! High Blood Pressure, High Blood Pressure is both functional and organic, often produced by over-eating or mental strain, while constipation and biliousness are both underlying causes. In either case Alertox while not designed to supplant the physician, will, through a process of elimination, thoroughly cleanse the system of its impurities and tends to reduce pressure in the veins and arteries by carrying out, through the intestinal tract, excess water

in the system which the sweat glands have failed to secrete. Some of the symptoms of high blood pressure are dizziness, headaches, palpitation, languidness and so on, and if you have noted any of these symptoms with yourself, don't delay starting the Alertox treatment, beginning with two teaspoonfuls in a full glass of water before breakfast. Do this regularly for several days, then reduce the dosage or frequency as your condition may warrant. After a few doses you will note a decided improvement in your condition, because Alertox removes, in one action more poison bile from the system than any other known formula, leaving you buoyant, vivacious and alert. * * *

Alertox * * * the most fitting laxative for nursing mothers, keeping, as it does, the milk free from toxic poisons and strengthening it by dispelling its watery content, thus allowing baby to get rich, pure and wholesome breast milk, which is so necessary to baby's health and growth. **How To Keep in Good Health.** * * * the human body is nothing more or less than a machine—a machine of the most delicate nature—and unless you keep it thoroughly cleansed of stagnant, waste matter you cannot, must not, expect it to run smoothly and function perfectly. How often do you take the time and trouble to flush your bowels and kidneys—unless you feel badly? Never! You wait until you are practically down and out, then you are physically and mentally out of commission for several days—laid up for repairs. If you want to keep well, enjoy life while you are living and actually live longer, simply take the ordinary precautions with your body that you would take with any other piece of machinery—keep a bottle of Alertox in your medicine cabinet, and every morning or so take from one to two teaspoonfuls * * * You may not feel the need of it right then—it may look foolish for a perfectly well human being to 'dose up,'—but it is the only safe, sure road to perfect health that isn't marred by detours. Try it any way, and if you will, you have our guarantee, backed by reliable chemical and medical authority, that a new day of health has dawned for you. Simple directions for Bewitching Beauty. If you really want a smooth, rosy, velvety complexion, you must begin at the very foundation by eliminating from the system that long accumulation of contamination. * * *

Take just one teaspoonful of Alertox, in a full glass of water, drinking as a beverage, before breakfast every morning. * * * if these suggestions are persisted in for ten days or two weeks, * * * you will have a far more beautiful complexion, * * * that is not all Alertox accomplishes—while it is clearing up your complexion it is, at the same time, improving your health by putting your entire system to rights, so;—you will not only look better, but you will feel better, too! Try this, for your complexion's sake;," (booklet contained in shipping package entitled "Health and Beauty at Last") "Health and Beauty at Last! Glorious, Wonderful Pain-Free Health * * *

Uses for Alertox * * * **Biliousness,** * * * **Indigestion** * * * **Acidosis** * * * **High Blood Pressure** * * * **Headaches** * * * **Toxic Conditions** * * * **Nursing Mothers** * * * 'there is but one cause for all diseases regardless of the name of the disease,' and that 'diseases always arise from one and the same source—the pressure of foreign or waste matter in the system, and, without these disease-producing elements, there can be no disease.' * * *

This waste matter, or undigested food and drink, which the body retains for the lack of proper eliminative facilities, lays the foundation for all diseases, and this waste matter invariably finds its way into the blood, or into those organs which are the weakest and offer the least resistance. **How To Keep in Good Health:** * * * After all, the human body is nothing more or less than a machine—a machine of the most delicate nature—and unless you keep it thoroughly cleansed of stagnant, waste matter you cannot, must not expect it to run smoothly and function perfectly. How often do you take the time and trouble to flush your bowels and kidneys—unless you feel badly? Never! You wait until you are practically down and out, then you are physically and mentally out of commission for several days—laid up for repairs. If you want to keep well, enjoy life while you are living and actually live longer, simply take the ordinary precautions with your body that you would take with any other piece of machinery—keep a bottle of Alertox in your medicine cabinet, and every morning or so take from two to three teaspoonfuls, drinking as a beverage * * * You may not feel the need of it right then—it may look foolish for a perfectly well human being to 'dose up,'—but it is the only safe, sure road to perfect health that isn't marred by detours. Try it any way, and if you will, you have our guarantee, backed by reliable chemical and medical authority, that a new day of

health has dawned for you. * * * So, in almost every instance, just before a 'spell,' we begin to feel tired, nervous and good-for-nothing; our minds do not function properly; or maybe we have a pain here and there, in the head, chest, muscles and so on, all originating from one common source as previously explained. In this way we are forewarned that there is danger ahead—simply Nature's way of asking us to do something for it—and if prompt action is taken when these warning signals are sent out, many a long, hard spell would be avoided. * * * 'There is no other drug which has such a wide range of usefulness, and if its virtues were generally known far more of it would be used, and if everything were sold on the strength of its usefulness and merit, this drug would bring about \$10.00 a pound, compared to the price of other drugs.' The drug thus commented on * * * is the principal ingredient in Alertox, * * * There are two kinds of pain, one produced externally from injury, the cause of which being definitely known is easily treated; and pains that are produced from internal causes, and these, while manifesting themselves in many ways and forms, almost invariably arise from one single cause, that of faulty assimilation and improper elimination. You have a headache, you have what is called 'indigestion,' your skin will itch, pimples and other eruptions will appear, your eyes grow dim at times, and so on. These are 'internal origin pains.' But, what causes them? Let's begin at the beginning—with your food. * * * This undigested food finds its way into the thousands of little folds and crevices in the intestinal tract, there putrefying, is then taken up by the blood stream and carried into the system, spreading pain and poison in its wake. Or, if you eat too rapidly—'bolt your food'—the same thing takes place in your digestive mechanism as what would happen should you throw a monkey wrench into any other piece of machinery, and the putrefaction process begins, with the same disastrous result as explained above. * * * So in the last and final analysis every disease and bodily derangement known to mankind; the cause of internal origin pains can be traced directly or indirectly to the imperfect elimination of waste matter from the human system, and the next thing to determine is the best, safest and most satisfactory method of producing this elimination without upsetting nature itself, and the answer is brought to you in Alertox. * * * The liver, stomach, bowels, kidneys, digestive tract and so on, just like our eyes, need assistance, and right here is where grave mistakes are often made, by taking something that produces elimination all of its own accord, instead of something that renders assistance to nature, thus allowing nature to do her own work. You do not see 'through' your glasses, but 'with' them. So it is with Alertox—you do not get results 'through' but 'with' this wonderful preparation, * * * While Alertox lays no claim to unlimited curative powers, * * * it is based on accurate * * * medical knowledge * * * In addition to its laxative and cathartic qualities for minor disorders and for generally preserving health, the principal active ingredient in Alertox possesses such very important properties as to give it an unusually wide scope of usefulness, * * * suggest to any mind the exclusive use of Alertox for the upkeep of the family's good health. The safety and harmlessness of Alertox renders its use particularly desirable for children * * * Biliousness; Bilioussness, or 'toxæmia,' * * * is simply a general poisoning of the entire system, * * * The Liver and Kidneys are supposed to prevent biliousness but, when we indulge in improper eating and drinking, irregular habits or unusual mental strain, these secretive organs of the body are overtaxed and cannot cope with the extra burden placed upon them. Biliousness, if allowed to continue, almost always brings on other and more serious illness, and no time should be lost in coming to nature's aid with Alertox. * * * your entire system rejuvenated and you are back to normal, feeling buoyant, vivacious and full of energy. Indigestion: * * * 'There is no one drug, or combination of drugs, I have ever used that will give as quick results in cases of indigestion or ptomaine poisoning as a teaspoonful of this drug and a teaspoonful of sugar in a half glass of water. In some cases it may be necessary to repeat in a half hour, but usually one dose will do the work.' Indigestion gives no warning, but strikes quickly, so it is advisable to keep a bottle of Alertox on hand, * * * Acidosis: * * * As a result, you have a disturbed heart action, such as palpitation or pounding and skipping; short breath; pains around the heart, chest, shoulders and arms, with a distension of the abdomen, resulting in belching or flatulency. Alertox is peculiarly fitted to correct an acid condition, because of its two-fold action * * * also alkalines the system, bringing ready and comfortable relief in an astonishingly short time. * * *

Run the finger nails along the flesh, on any part of the body (just like you were scratching) and if they leave the skin reddened, it is almost a sure sign of over acidity. A teaspoonful of Alertox in a glass of water before breakfast every morning, taken as a beverage if you like, will positively correct this condition. **High Blood Pressure:** This insidious ailment that slowly, almost imperceptibly steals your health away, is now being viewed with alarm by the medical profession, not only because of its dangers, but because it is increasing at an alarming rate, and creeps up on a patient almost before one realizes it, becoming perilous before anything is done. But this condition, like any other, is easily conquered when taken at the right time. * * * The cause of high blood pressure can be traced to several sources, among the most prevalent, however, being that of overeating and faulty elimination, while mental strain also is a tributary cause, showing that high blood pressure is both functional and organic. * * * Some of the more common symptoms of high blood pressure are dizziness, headaches, heart palpitation, languidness, cold hands and feet, disturbed sleep, loss of power to concentrate the mind, and so on. These self-same symptoms often indicate a toxic condition (which goes hand in hand with high blood pressure), and so few people take the care to differentiate the two. * * * High blood pressure, whether it be functional or organic, may be relieved by Alertox, which through a process of elimination, not only cleanses the system of its impurities, but tends to reduce the pressure in the veins and arteries by carrying out, through the alimentary tract, that excess water content in the blood which is ordinarily secreted through the sweat glands. After the first dose or two of Alertox you will note a decided improvement, not only in reducing blood pressure, but also in your general health, removing as it does in one action, more poison bile from the system than any other known formula, leaving you buoyant, vivacious and alert, and clearing up muddy, blotchy complexions. **Headaches Due To Inactive Liver:** * * * Headaches from this cause can invariably be relieved within an hour or so with Alertox which immediately sets to work an eliminative process, and by ridding the body of its poisonous accumulations, banishes the headache. * * * **Toxic Conditions:** This is indicative of a condition of the human organism, brought about either by imprudent eating, failure of the digestive organs to assimilate certain foods, functional derangement of the liver, intestines or kidneys. In brief, whenever an abnormal state exists from the effects of poisons having been generated in the stomach or intestines, absorbed into the organs and tissues through the blood, and failure to eliminate such poisons through the natural channels. In such cases, nature must be assisted, which is done with Alertox in a manner satisfactory to the patient and agreeable to the system. * * * In all toxic conditions there is no substitute for Alertox, working as it does with nature and bringing prompt, pleasant and effective relief. **Pregnancy:** * * * is especially recommended for women during pregnancy periods, because it is not absorbed into the system and therefore cannot possibly cause injury, * * * Then, too, the principal ingredient in Alertox has been found to actually improve the quality of mother's milk, subtracting as it does the excess water content from the system, leaving the milk purer and richer, * * * if you really want a smooth, rosy, velvety complexion, you must begin at the very foundation by eliminating from the system that long accumulation of contamination, * * * of all means now at hand, there is none better than the regular and continuous use of Alertox. This preparation (which may be had at any drug store) should be taken as a beverage every morning, before breakfast, * * * It is delightful to take, and will correct all toxic conditions, carrying out, through the intestinal tract, the excess water content in the veins, leaving the blood rich, red and pure—that's where you get your color back in the complexion. **Simple Directions for Bewitching Beauty** * * * you will have a far more beautiful complexion, because it will be natural and not artificial; rosy and not pallid; smooth instead of rough; and free from pimples and blemishes. * * * but that is not all Alertox accomplishes—while it is clearing up your complexion it is, at the same time, improving your health by putting your entire system to rights, so, you will not only look better, but you will feel better, too! Try this, for your complexion's sake. For the 'Morning After.' When you have had a 'wild night'—either at a party, getting to bed late or just couldn't sleep and your body is lazy and sluggish; your brain is full of cobwebs and won't function; take two teaspoonfuls of Alertox in a full glass of water and in thirty minutes you'll feel a most delightful sensation of returning vigor, physical and mental,

and that dull, nagging headache will be completely gone. Alertox is recommended for removing any cause that produces physical or mental fatigue. The Safety of Alertox: This preparation is warranted to contain nothing of a harmful nature whatever—no dope or habit-forming drugs—nothing that is in any way injurious to the most delicate system * * * The Opinion of an Eminent Doctor * * * To Whom It May Concern: * * * I have used this preparation extensively on one of my own children during the Acute and later during the Chronic state of Infantile Paralysis and at times when she could not retain any form of medicine on her stomach I have found that she readily took and retained Alertox with very gratifying results * * * Alertox, Physical Fitness, Mental Efficiency. [Design showing an emaciated individual with pale thin blood, and of a healthy individual with rich red blood and the statement, 'How Alertox Acts' with arrows pointing from one picture to the other.];" (white circular contained in carton for Alco Pain Killer, and also folded in booklets "Health and Beauty at Last") "The Cause of Pain. There are two kinds of pain, one produced externally from injury, * * * and pains that are produced from internal causes, and these, while manifesting themselves in many ways and forms, almost invariably arise from one single cause, that of faulty assimilation and improper elimination. You have a headache, you have what is called 'indigestion,' your skin will itch, and so on. These are 'internal origin pains.' But what causes them? Let's begin at the beginning—with your food. * * * undigested food finds its way into the thousands of little folds and crevices in the intestinal tract, there putrefying, is then taken up by the blood stream and carried into the system, spreading pain and poison in its wake. Again, mental worry and strain frequently have an ill effect upon the digestive tract, ending up in a clogged-up, poisoned system. Then, too, we find ourselves 'constipated' or suffer a bilious attack, which is nothing more or less than the self same condition about which we are talking. So in the last and final analysis every disease and bodily derangement known to mankind, the cause of 'internal origin' pains can be traced directly or indirectly to the imperfect elimination of waste matter from the human system; and the next thing to determine is the best, safest and most satisfactory method of producing this elimination without upsetting nature itself, and the answer is brought to you in Alertox;" (Alco Pain Killer, carton) "That Penetrates to the Nerve and Bone * * * for the Relief of Pain in cases where prompt and soothing relief is needed for Rheumatism, Sciatica, Lumbago, Neuralgia, Headache * * * Colds in the * * * Throat or Chest, * * * Snake Bites. * * * Pain Killer * * * That Penetrates to the Nerve and Bone * * * for the Relief of Pain in cases where prompt and soothing relief is needed for Rheumatism, Sciatica, Lumbago, Neuralgia, Headache * * * Colds in the * * * Throat or Chest, * * * Snake Bites. * * * Rheumatism;" (Alco Pain Killer, bottle) "Pain Killer * * * Rheumatic and Sciatic Pains, Lumbago, Stiff or Swollen Joints, * * * Headache, Colds in the * * * Throat or Chest, * * * Snake Bites. * * * Apply freely to the parts affected;" (white circular contained in carton for Alco Pain Killer and also folded in booklets "Health and Beauty at Last") "Pain Killer * * * healing Liniment, for External use only in the Relief of All Kinds of Pain. Alco liniment penetrates directly and quickly to the bone and the nerves. It is a Little Doctor in the home, * * * For the relief of Rheumatism, Sciatica, Lumbago, Stiff or Swollen Joints, Weak Backs, Etc. * * * For * * * Swellings, * * * Inflammation, Etc. * * * For Headache, Neuralgia, Etc.—Apply to the temples with fingers * * * also to back of neck at base of brain; then pour a little of the liniment on the hands, rub briskly together to cause heat and, cupping the hands, sniff fumes up the nostrils. This will usually relieve the worst kind of headache in a few minutes. For Colds in the * * * Throat or Chest.—Put a small quantity of Alco liniment in steaming hot water and inhale fumes, which * * * relieves the congestion and promptly Clear up * * * the throat. In case of throat or chest colds, apply hot towels to open up pores, dry thoroughly, then spread liniment over surface of skin without binding. * * * For * * * Snake Bites.—Apply liniment as indicated in the case of * * * Swellings, etc. For Snake Bites, place neck of bottle or with some liniment in a container having wider neck and invert over wound. Venom will come out into liniment. * * * For Sore Corns.— * * * Constipation, Biliousness, Indigestion and such-like common disorders are the fundamental causes of Rheumatism,

Kidney Trouble and so forth. Write for our free booklet entitled 'Health,' which tells in plain, understandable language just How and Why We Get Sick."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18345. Misbranding of Bering ear oil. U. S. v. 27 Bottles of Bering Ear Oil. Default decree of destruction entered. (F. & D. No. 25069. I. S. No. 6107. S. No. 3340.)

Examination of a product, known as Bering ear oil, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On August 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 bottles of Bering ear oil at Kansas City, Mo., alleging that the article had been shipped by Heide & Sons, from St. Paul, Minn., on or about July 17, 1930, and had been transported from the State of Minnesota into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a bland oil containing a small proportion of methyl salicylate.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Defective Hearing? Buzzy and Noisy Ears? * * * Stiff and hard feeling Ears? Painful and aching Ears? Then use Bering Ear Oil;" (carton) "Ear Oil * * * Ears need attention and care and must be at their best to stand modern high pressure life. Ears get stiff, itchy and hard and so lack pliability, likewise get dull and noisy. * * * For Defective Hearing * * * Buzzy and Noisy ears * * * Earache;" (circular) "Ear Oil * * * Have you buzzing and noisy Ears—then use Bering Ear Oil. Have you defective hearing—then use Bering Ear Oil. * * * Have you Ear ache—then use Bering Ear Oil. * * * Ear Oil * * * In painful ears a few drops, warmed in a teaspoon, help. * * * Human hearing apparatus consists of ear canal and ear drum, like a tough hide or leather, with three bones and joints. These all need to be supple and movable, Bering Ear Oil used in the ears helps tremendously. Often the hearing improves and ringing disappears. Bering Ear Oil is for this purpose and is readily absorbed by the various ear membranes. * * * Get the most out of your ears. Ears need attention and care and must be at their best to stand modern high pressure life. Ears get stiff, hard, and so lack pliability—likewise get dull and noisy."

On June 3, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18346. Misbranding of Dr. Whitehall's rheumatic remedy. U. S. v. 3 Dozen Packages of Dr. Whitehall's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25344. I. S. No. 11626. S. No. 3609.)

Examination of a drug product, known as Dr. Whitehall's rheumatic remedy, from the shipment herein described having shown that the carton label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On November 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 dozen packages of Dr. Whitehall's rheumatic remedy, remaining in the original unbroken packages at San Francisco, Calif., consigned by

the Kells Co., Newburgh, N. Y., alleging that the article had been shipped from Newburgh, N. Y., on or about August 16, 1930, and had been transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilid (3.49 grains per tablet), sodium salicylate, sugars, starch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Rheumatic Remedy * * * For Rheumatism and Gout. * * * Directions. For Acute or Inflammatory Rheumatism, take a tablet every 2 to 4 hours. * * * In chronic cases, after severe symptoms have * * * For Gout, Lumbago, Stiff, Swollen and Tender Joints, Crick in the Back, Stiff Neck, and ordinary forms of Rheumatism."

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18347. Misbranding of Dr. Livingston's Regenerator. U. S. v. 21 Bottles of Dr. Livingston's Regenerator. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26216. I. S. No. 27528. S. No. 4432.)

Examination of a drug product, known as Dr. Livingston's Regenerator, from the shipment herein described having shown that the carton label and the accompanying circular and booklet bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of Dr. Livingston's Regenerator, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., on or about February 18, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (8.1 grams per 100 milliliters), extracts of plant drugs including a laxative drug, alcohol (11.6 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label and in the accompanying circular and booklet, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Regenerator Repairs Waste Tissue, Builds Up The System, Purifies The Blood, and Is a Wonder-Worker for the Liver. When you cannot sleep, and feel weak from overwork and other causes, take this Regenerator. It will strengthen your nerves, increase your appetite and restore your health. As a regulator for the liver it is invaluable, and should be used by all;" (circular) "For Rheumatism, Kidney and Bladder Trouble, and all diseases arising from impure blood, Lame Back, Uric Acid Poison, Gravel, Inflammation of the Bladder, Dropsy or Swelling of the Feet and Limbs, Loss of Flesh, Liver Complaint, Malaria Biliousness * * * Grippe, Female Weakness, etc.;" (booklet) "Regenerator * * * Nerve Tonic and Blood Purifier * * * Regenerator supplies the necessary nourishment for your blood, giving it strength and vitality—it stimulates the growth and reproduction of cells and tissues, enabling the enriched blood and stronger cell life to throw off accumulated poisons, impurities and waste and regenerating a healthy condition throughout the system. Kidney and Bladder Troubles * * * The Blood * * * Liver Complaint * * * The Nerves * * * Female Troubles * * * You Need Help Today Because—those shooting-pains and sore joints indicate the appearance of Rheumatism.—that bilious and 'headachy' feeling proves a stagnant liver.—those Pimples, Boils, Ulcers and Skin Blemishes show that the Blood needs purifying.—that 'tired feeling,' wakeful nights, lack of energy

and 'pep' are results of an undernourished system.—those spells of Indigestion lead to more serious complaints. * * * that *Lame Back* points to inactive Kidneys.—the 'after-effects' of 'flu' need to be checked. * * * You need Dr. Livingston's Regenerator The Great Nerve Tonic and Blood Purifier. Do You Know—that whether you are on crutches with Rheumatism; suffering from Kidney and Bladder Troubles; threatened with Bright's Disease; Uric Acid Poisoning; High Blood Pressure, etc.—whether it is a Nervous Breakdown, Sleeplessness or Staggering Spells, Regenerator will prove its wonderful merit in bringing relief.—that it may be from Bilious Headache, Loss of Appetite, Dizziness or other general complaints due to a Sluggish Liver, you are suffering. In any case Regenerator stands ready to prove its wonderful aid in removing these troubles and restoring you to normal health.—that if your troubles are deep-seated Blood Afflictions—Eczema, Boils, Skin Diseases, Ulcers, Abscesses or other troubles of long standing, arising from impurities in the blood, by taking Regenerator you will be astonished and happy to see how quickly your troubles begin to disappear. * * * Four bottles of Regenerator entirely cured me of Rheumatism. * * * Rheumatism Sufferer Says: * * * I suffered from Rheumatism, and lameness for months and was practically unable to move about without excruciating pains. * * * a friend insisted that I try Regenerator. The first bottle afforded almost immediate relief, and two bottles practically cured me. * * * Female Trouble Sufferer Says: * * * For five years I suffered with Female Trouble, Kidney and Bladder Trouble and Constipation. Was also troubled with the change of life, I had three different doctors, but they did me no good. My husband bought a bottle of Dr. Livingston's Regenerator and have found myself that it is worth its weight in gold. I advise all suffering women to take it. * * * 'Flu' After Effect Sufferer Says: * * * Kidney and Bladder Sufferer Says: * * * I have been a chronic sufferer for six years with Kidney and Bladder Troubles, *Lame Back*, Sick Headache, Nervous Indigestion and Dizziness. My husband coaxed me to give Regenerator a trial and I started taking it—now I hardly know how to explain my feelings and gratitude as it is wonderful what Regenerator did for me. * * * eliminating waste through the Liver and Kidneys. * * * As a Cell Food * * * As a Tissue Builder * * * Answer the Call of Health."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18348. Misbranding of Dr. Livingston's root and herb tea. U. S. v. 10 Packages of Dr. Livingston's Root and Herb Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26233. I. S. No. 27534. S. No. 4519.)

Examination of a drug product, known as Dr. Livingston's root and herb tea, from the shipment herein described having shown that the carton bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 packages of Dr. Livingston's root and herb tea, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., on or about February 6, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of ground plant drugs including *uva ursi*, senna, frangula, coriander, fennel, mullein, and gualiac.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Repairs Waste Tissue, Builds up the System. Purifies the Blood. When you Cannot Sleep, Feel Weak from Overwork or other Causes, take * * * It will Restore Your Health * * * and Strengthen Your Nerves. * * * The Great Blood Purifier. This is one of the most valuable

remedies for Nervous and General Debility, Weak Kidneys, Lame Back, Liver Complaint, Constipation, Rheumatism and Gout, and all impurities of the Blood of long standing. * * * For the Complexion * * * is unequalled to restore the freshness and brilliancy of youth. It paints the bloom of a rose in the face, which health alone will bring to you by using Nature's own remedy."

On May 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18349. Misbranding of Search Warrant Liniment. U. S. v. 22 Bottles, et al., of Search Warrant Liniment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26215, 26218. I. S. Nos. 27527, 27533. S. Nos. 4432, 4444.)

Examination of samples of a drug product, known as Search Warrant liniment, from the shipments herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that a portion of the article contained less alcohol than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 78 bottles of the said Search Warrant liniment, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Livingston Medicine Co., from Griffin, Ga., in part on or about January 1, 1931, and in part on or about February 18, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol, ammonia, capsicum oleoresin, volatile oils including camphor, and water.

Misbranding was alleged in the libels filed with respect to a portion of the article for the reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement, "Alcoholic Contents 70%," on the bottle and carton labels, was not a correct declaration of the quantity of alcohol contained therein. Misbranding was alleged with respect to both lots of the article for the reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "Seeks Out All Pain;" (circular) "Can be applied to most delicate skin surfaces. Aches—Aches of all kinds, not the direct result of some internal disease, * * * Croup * * * Lumbago * * * Sciatica * * * Rheumatism—For all forms of rheumatism, not resulting from organic diseases, * * * Stiff Joints * * * soon loosens up stiff joints. * * * Neuralgia * * * Toothache * * * Bronchitis * * * Asthma * * * Pleurisy * * * Neuritis."

On May 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18350. Misbranding of Kinoloids. U. S. v. 31 Packages, et al., of Kinoloids. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26132, 26151. I. S. Nos. 27540, 27545. S. Nos. 4425, 4455.)

Examination of a drug product, known as Kinoloids, having shown that the carton and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of Florida the shipments herein described, involving quantities of the article at Tampa, Fla.

On April 2 and April 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 63 packages of the said Kinoloids, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Georgian Pharmacal Co., from Atlanta, Ga., in various consignments,

on or about January 17, February 12, and February 20, 1931, and had been transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of quinine, boric acid, an iodine compound, and oil of theobroma.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Prophylactic and Preventive;" (circular) "Prophylactic

* * * Preventive * * * Kinoloids * * * they have become the remedy of choice in all vulvo-vaginal discharges. Kinoloids are used successfully in the treatment of all inflammatory diseases of the vaginal tract and female generative organs, such as Vaginitis, Pruritus (intense itching of the parts), Leucorrhoea (whites), Endo-Metritis, Ammenorrhoea (suppression), Dysmenorrhoea (painful periods), Menorrhagia (bleeding), Ovaritis (inflammation), etc., etc., but are especially recommended as a sanitary measure to keep the parts in a healthy condition, prevent vaginal and venereal diseases and to eliminate those offensive odors that are at times so objectionable and embarrassing. Diseases of the vaginal tract are indicated by unnatural discharges. A prompt use of Kinoloids upon the first appearance of such discharges will bring immediate relief and prevent running into a chronic condition thus precluding the possibility of more serious complications. As a preventive of venereal diseases Kinoloids may be faithfully relied upon, being far superior to any other known method of protection and containing no poisons of any description. * * * quickly healing in all disorders of the vaginal tract. * * * Leucorrhoea (Whites)—Introduce a Kinoloid well up into the vagina upon retiring and follow upon rising with a warm borax douche. Repeat nightly until the disease is arrested, then use Kinoloids several times a week to prevent a return of the trouble. * * * Inflammatory Diseases—such as Vaginitis, Pruritus (intense itching of parts), Endo-Metritis, Ammenorrhoea, Dysmenorrhoea, Menorrhagia, Ovaritis, etc., will respond promptly to the Kinoloid treatment. * * * Piles * * * To Prevent Venereal Diseases—Introduce a Kinoloid well up into the vagina and allow to remain about a minute. While an after douche is not necessary. * * * If any venereal disease has already been contracted, Kinoloids will prove of great relief, and some cases are on record where permanent relief has been given."

On May 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 18301-18350

	N. J. No.		N. J. No.
Alco Pain Killer :		Lincoln tea :	
Alertox (Inc.)-----	18344	Fort Wayne Drug Co.-----	18319
Alertox :		Livingston's, Dr., Golden catarrh	
Alertox (Inc.)-----	18344	balm : Search Warrant Lini-	
Athlophoros :		ment Co.-----	18338, 18339
Athlophoros Co.-----	18326	Re-Gem :	
Williams Manufacturing Co.-----	18327	Livingston Medicine Co.-----	18337
Baptisine :		Regenerator :	
Renkert, A., & Co.-----	18343	Livingston Medicine Co.-----	18347
Bering ear oil :		McKesson-Lincoln Co.-----	18342
Heide & Sons.-----	18345	root and herb tea :	
Cartier's, Pierre, medicine :		Livingston Medicine Co.-----	18348
Bay State Drug Co.-----	18314	Neutrone "99" for rheumatism :	
Chlorax :		Kells Co.-----	18320
Chlorine Products Co.-----	18336	Novopin :	
Cinchophen tablets :		Quest & Co.-----	18310
Jamieson, C. E., & Co.-----	18308	Nox-Ri-Tis for rheumatism :	
Cold and grippe tablets :		Adcox, Chester G., Co.-----	18311
Commercial Laboratories		Pain-I-Cure :	
(Inc.)-----	18307	Cox & Simpkins.-----	18340
Ergot, fluid extract :		Pirtle's, Dr., germ oil :	
Wyeth, John, & Bro.-----	18304	Germ Oil Co.-----	18325
of rye :		Pyro Sana tooth paste :	
Berk, F. W., & Co.-----	18333	Alhosan Chemical Co.-----	18329
Ether :		Quinseptikons :	
Merck & Co.-----	18316, 18318, 18330	Tablax Co.-----	18324
Farmville lithia water :		Rheumatic tablets :	
Farmville Lithia Springs		Commercial Laboratories	
Water Co.-----	18315	(Inc.)-----	18307
Fulton's renal compound :		Rice's salve :	
Hartig Drug Co.-----	18341	Rice Chemical Co.-----	18306
Gen-Lax :		Search Warrant liniment :	
Mobile Drug Co.-----	18328	Livingston Medicine Co.-----	18349
Ginger, fluid extract :		Sodium nitrite tablets :	
Jordan Bros.-----	18322, 18323	Jamieson, C. E., & Co.-----	18308
Gum Rub :		Sozodont liquid :	
Gum-Rub (Inc.)-----	18321	Bloch Drug Co.-----	18334
Huff's Old Reliable brand sore throat		Tru-Ade :	
remedy :		Larweb Medical Co.-----	18305
Huff Bros. & Co.-----	18317	Uric-O :	
Hydroleine :		MacKallor, E. C., Drug Co.-----	18302
Century National Chemical		Vident No. 4 powder for Riggs' dis-	
Co.-----	18312	ease :	
Ingodine tablets :		Katz & Besthoff.-----	18301
Govett (Ltd.)-----	18303	No. 6 Riggs' disease mouth wash :	
Kelsey ichthyol suppositories :		Katz & Besthoff.-----	18301
Southport Chemical Co.-----	18313	Welter's, Dr. E. A., antiseptic tooth	
Ketterers' Excelsior blood purifier :		powder :	
Waco Drug Co.-----	18332	Welters, E. A., Tooth Powder	
Kinoloids :		Co.-----	18335
Georgian Pharmacal Co.-----	18350	Whitehall's rheumatic remedy :	
Lee's, Dr. Samuel H. P., Lithontrip-		Kells Co.-----	18346
tic :		Worm-O-Tone :	
Lee, S. H. P., Co.-----	18309	Smith, F. F., & Co.-----	18331

